

Law Offices of
RYAN, UPTEGRAFT & MONTGOMERY, INC. P.S.

9657 Levin Road N.W., Suite 240, Silverdale, WA 98383
Phone (360) 307-8860 • Fax (360) 307-8865 • Toll Free 1-800-481-8861
E-mail: cheryls@rsulaw.com Website: rsulaw.com

JAMES E. RYAN
DARRELL D. UPTEGRAFT, JR.
ANNE M. MONTGOMERY
JAMES K. SELLS, Counsel to the Firm

CHERYL K. RIFE
CHERRY L. DAVIS
MARY P. SPAUN
GORDON L. WALGREN, Of Counsel

November 17, 2010

via e-mail and first class mail

David Danner
Executive Director and Secretary
Policy and Legislative Issues
Washington Utilities and Transportation Commission
PO Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

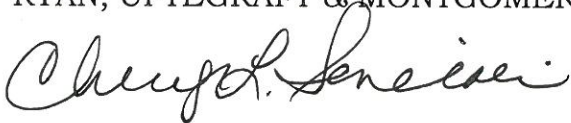
Re: Murrey's Disposal
Docket No. TG-101545

Dear Mr. Danner:

Enclosed are an original and three copies of Statement of Interested Party Washington Refuse and Recycling Association. An electronic copy is also being submitted.

Very truly yours,

RYAN, UPTEGRAFT & MONTGOMERY, INC. P.S.



Cheryl L. Sinclair
Legal Assistant to
JAMES K. SELLS

enc.

cc: David W. Wiley w/enc.

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

Petition of Murrey's Disposal
Company, Inc. Requesting Authority
to Retain 50% of the Revenue
Received From the Sale of Recyclable
Materials Collected in Residential
Recycling Service

DOCKET NO. TG-101545

STATEMENT OF INTERESTED
PARTY WASHINGTON REFUSE
AND RECYCLING ASSOCIATION

Although this matter has been assigned a docket number, there have been no hearings set, thus, the opportunity for Washington Refuse and Recycling Association (WRRRA) to petition for intervention at or before the Prehearing Conference stage has not been available. If there is any sort of evidentiary hearing, it is WRRRA's intent to petition to intervene and, if the Petition is granted, to take an active role as an Intervenor. In the meantime, please consider the following as WRRRA's comments as an interested party to this matter, and in support of the Petition for Reconsideration filed by attorney David W. Wiley on behalf of Murrey's Disposal Company, Inc., which we understand will be considered by the Commissioners at the November 24, 2010 open meeting.

This would appear, on the surface, to be a relatively simple rate

matter; however, the Commission's position, and ultimate ruling here, could have widespread influence on recycling in Washington. Although this Docket itself deals only with recycling rates mostly for urban areas in Western Washington, the repercussions of the Commission's ruling will be widespread and certainly will affect efforts to spread regular, residential recycling efforts to the more rural areas of the state. That is, it would seem that an indisputable element of intent of the enabling legislation in 2002 was to provide an incentive to increase recycling, particularly in those areas where either it does not exist or where there is no financial incentive for the regulated company to expend the resources to convince an often unwilling public to accept the very concept itself.

We will not repeat Murrey's argument here, but will merely say they are well thought out and would seem to us to be correctly reflective of the statute's intent; as well as in line with the Commission's previous policies and the counties' interpretation of the law and its application.

Simply put, we are of the view that the "checks and balances" mechanism here is to come from the particular county involved, not necessarily from the Commission auditing staff. If the revenue share computation applied to the participating company's program (and the program itself) is approved by the county, that should largely be the end of the discussion. No participating company would, or could, bring these rates to the Commission without full and prior approval by the particular county. While we have no desire whatever to see that very limited authority expand, it would seem clear that the legislative intent here was to give counties this limited authority commensurate with the state's desire to encourage and increase recycling, a long-standing goal which WRRRA continues to support.

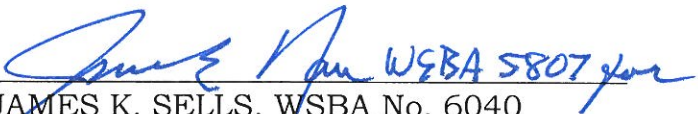
If the Commission's current Order stands, the goal of expanded residential recycling will suffer, particularly in those areas of our state where, to say the last, it has not exactly been embraced by the public,

nor will implementation by smaller companies accelerate, which simply have to see at least a reasonable return on the significant investment required to put a program into effect.

While the statute leaves room for interpretation, the overriding intent is clear – that is, to increase recycling. That is a goal our members accept and agree with, but we simply cannot reach that goal if the already limited financial incentive is further eroded by Commission ratemaking policy which, we believe, is not in accordance with legislative intent.

WRRRA also does support having this issue further explored by means of an evidentiary hearing of some sort, perhaps a “BAP.” We believe that there is more to be said here (and more to be understood by all involved) than can be accomplished within the limits of an Open Meeting. This has now become a vitally important issue for solid waste/recycling companies, and local government, and should be fully explored through the hearing process.

Respectfully submitted this 17th day of November 2010.


JAMES K. SELLS, WSBA No. 6040
General Counsel, Washington Refuse
and Recycling Association

BRAD LOVAAS
Executive Director, Washington Refuse
and Recycling Association

CERTIFICATE OF MAILING

I hereby declare that on the 17th day of November 2010, I caused to be served the original and 3 copies of the foregoing document to the following address via first class mail, postage prepaid, to:

David Danner, Executive Director and Secretary
Policy and Legislative Issues
Washington Utilities and Transportation Commission
PO Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

and one copy of the foregoing document to the following address via first class mail, postage prepaid, to:

David W. Wiley
Williams Kastner
PO Box 21926
Two Union Square
601 Union Street
Seattle, WA 98111-3926

I swear under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 17th day of November 2010 at Silverdale,
Kitsap County, Washington.

Cheryl L. Ince