



November 18, 2022

Via UTC Web Portal

27347.0105

Amanda Maxwell
 Executive Director and Secretary
 Washington Utilities and Transportation Commission
 621 Woodland Square Loop SE
 P.O. Box 47250
 Olympia, Washington 98504-7250

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 State Of WASH.
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 COMMISSION

Attn: Tiffany Van Meter and Mike Young

Re: TG-170977, Basin Disposal, Inc, Order 01 Authorizing Return on Deferred Asset

Dear Ms. Maxwell:

On behalf of Basin Disposal, Inc. ("BDI"), this is to request the Commission now cancel, rescind or otherwise withdraw the Order allowing for recovery of Potentially Liable Party ("PLP") deferred expenses associated with the closure and remediation of the Pasco Sanitary Landfill which has been administered by the Washington Department of Ecology since 1992. In January, 2018, following submission of an Accounting Order Petition, BDI received approval from the Commission to amortize its legal costs over a ten-year period at the Federal Regulatory Energy Commission interest rate in order to allow a return on the deferred PLP legal expense.*

Following various prolonged negotiations and agreements and as reflected by the Consent Decree for the U. S. District Court for the Eastern District of Washington in 2021, BDI, in perpetuity, will no longer (and cannot have) any legal or financial responsibility which arises from past activity, interim remediation actions and any future remediation activity to be performed at the site as concerns any directive or orders issued to PLPs at the Pasco Landfill remediation site. The Consent Decree has thus freed BDI from any legal, financial, regulatory or other obligations at the site and with the final payments for associated legal expenses in 2022, there is no reason to continue to accrue/amortize/defer expenses for on-going legal and remediation costs. In short, the Consent Decree exonerates BDI from any further cleanup expense as a PLP at the site which relieves any need to continue to recover or accrue any further expenses from regulated or nonregulated BDI customers alike after December 31, 2022.

Pursuant to the above, BDI respectfully requests that Order No. 1 and the current associated tariff supplement pages No. 6 be canceled, rescinded or otherwise withdrawn to be effective January 1, 2023.

*BDI had originally sought to recover the deferred cost over a five-year period but staff and the Commission ultimately determined that ten years was preferable. (See, Order 01, Docket-TG 170977 at §§ 7,9.)

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Sincerely,

WILLIAMS, KASTNER & GIBBS PLLC



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cc: Basin Disposal, Inc.
Enclosure