

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of:

RIDWELL, INC.

DOCKET TG-200083

ORDER 04

INITIAL ORDER DISMISSING
COMPLAINT

BACKGROUND

- 1 On March 5, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking Classification; and Notice of Brief Adjudicative Proceeding (Complaint) for Ridwell, Inc. (Ridwell or Company). The Complaint alleges that Ridwell violated provisions in Title 81 RCW that forbid operating for the hauling of solid waste for compensation without first obtaining a certificate of public convenience and necessity from the Commission. The Complaint requests that the Commission order Ridwell to cease its solid waste operations unless and until the Company obtains a certificate and recommends that the Commission impose a suspended penalty of \$5,000 for the Company's past violations.
- 2 On April 6, 2020, the Commission issued a notice converting the proceeding to a full adjudication. The Commission conducted a telephonic prehearing conference on April 17, 2020, and entered Order 02, Prehearing Conference Order the same day.¹
- 3 Pursuant to the procedural schedule the Commission established in Order 02, Ridwell and Commission regulatory staff (Staff)² filed or identified exhibits in support of their

¹ The Commission entered a protective order on April 29, 2020, which was mislabeled as "Order 02," rather than "Order 03." To maintain the proper number sequence, this initial order is Order 04.

² In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the presiding administrative law judge or the Commissioners make the decision. To assure fairness, the Commissioners, the judge, and the Commissioners' policy and accounting

positions on May 5, 2020. The Commission conducted a virtual evidentiary hearing on May 12, 2020, and the parties filed post-hearing briefs on June 12, 2020.

- 4 Jeffrey D. Goltz, Cascadia Law Group, Olympia, Washington, represents Ridwell. Nash Callaghan, Assistant Attorney General, Lacey, Washington, represents Staff.

TESTIMONY

- 5 *McPherson*. Kathryn McPherson, a solid waste investigator with the Commission's Transportation Safety Division, testified on behalf of Staff. McPherson conducted the investigation of Ridwell and concluded that the Company is operating as a solid waste collection company. McPherson testified that Ridwell provides containers into which residential customers place recyclable materials that are listed on applicable county comprehensive solid waste management plans for drop-off or special pickup. The Company collects these materials from the containers outside the customers' homes on a bi-weekly basis and transports the materials to its own recycling center licensed by King County. McPherson concludes that the Commission regulates as solid waste collection such source-separated collection of recyclable materials from residential customers.³
- 6 McPherson testified that she contacted officials with several municipalities, including Seattle and Kirkland, who confirmed that those cities had no contracts or plans to contract with Ridwell for residential recycling under the local solid waste plan. McPherson also testified that Staff communicated with Ridwell in person and through letters, emails, and telephone calls and explained that the Company would need a certificate from the Commission if the local jurisdictions did not assert regulatory authority over Ridwell's operations. McPherson acknowledged that the Company also collects other items but claims that recycling materials represent the majority of Ridwell's collections.⁴ Specifically, McPherson referred to the Company's website as stating that

only 45 percent of [collections] go to donations and approximately 50 percent are in the recycled industry; 30 percent go to the company that

advisors do not discuss the merits of this proceeding with regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

³ McPherson, TR at 45-47 & 49-52.

⁴ *Id.* at 47-49 & 52.

uses them to decompose products and turn them into other products; and the other 20 percent is used into making new materials, such as bedding, insulation, and other valuables. So, therefore, those would be recyclable commodities.⁵

7 *Perkinson.* Matthew Perkinson, the Commission's Assistant Director of Transportation Safety, also testified on behalf of Staff. Perkinson reviewed the seven factors listed in WAC 480-70-016(4) that the Commission considers in determining whether to classify a company as a solid waste collection company or motor carrier. Perkinson concluded that application of those factors to Ridwell supported the conclusion that the Commission should require the Company to have a solid waste certificate: (1) Ridwell's intent is to collect recyclable materials curbside from residential customers; (2) the intended destination of those materials is the Company's material recovery facility (MRF); (3) Ridwell's MRF is the actual destination of the materials; (4) some of those materials, such as batteries, require special handling; (5) the Company is collecting valuable materials; (6) Ridwell is primarily engaged in collecting recyclable materials, which is solid waste by definition; and (7) the Company holds itself out as a residential recycling company.⁶

8 Perkinson expressed concern that the Commission would have limited oversight of the Company if Ridwell were classified as only a common carrier, including probably no consumer protection or safety oversight. Perkinson also believes the Company would have an unfair advantage in competing against certificated solid waste collection companies that incur and must recover their costs to comply with Commission regulations. Perkinson agrees that Ridwell's business model is different than traditional solid waste collection companies, but like those companies, Ridwell collects recyclable materials from a customer-loaded bin on a regular route. Staff, therefore, takes the position that Ridwell's operations meet the statutory definition of a solid waste collection company and require a certificate from the Commission.⁷

9 *Metzger.* Ryan Metzger, CEO and co-founder of Ridwell, testified on behalf of the Company. Metzger explained that Ridwell "provides an alternative to customers making

⁵ *Id.* at 61:22 – 62:4.

⁶ Perkinson, TR at 102-04.

⁷ *Id.* at 104-06.

trips to various donation centers or recycling operations.”⁸ The Company uses passenger vehicles and a cargo van to pick up used clothing, shoes, and other reusable items from residential customers, as well as recyclable materials that certificated carriers do not collect, specifically plastic wrap, batteries, and light bulbs.

Ridwell offers customers a chance to schedule a pickup every two weeks. We provide bags so they can source-separate and a bin for them to place the bags. Bins are ordinarily placed on a customer’s porch, but may also be at the side of the house. They are not placed on the curb or anywhere near it. Customers get an email or a text message asking them if they would like us to pick up from them along with a description of what we plan to pick up. If they say “yes,” we send a van or car to pick up their materials.⁹

10 According to Metzger, the Company has over 7,000 active customers in King and Snohomish counties as of May 1, 2020, and is exploring the possibility of expanding into adjoining areas. Metzger explains that Ridwell does not perform any of the actual recycling or reuse of the items the Company picks up but delivers those materials to local partners for processing.

[T]he focus of our business is helping residents of Washington live more sustainably by helping them re-distribute items of value that they are not using to others in the community. Whenever possible, this takes the form of local reuse as we spend considerable time locating local non-profits who have specific needs that could be served by what may be setting idle in people’s homes. This could be eyeglasses, could be non-perishable food or Halloween candy, or could be winter coats. When there is not a reuse option available, we look for specialized recyclers who are not accessible through city-provided services, but who are located nearby and available if people handled the transportation on their own.¹⁰

⁸ Metzger, Exh. RM-1T at 3:5-6.

⁹ *Id.* at 3:21 – 4:2.

¹⁰ *Id.* at 7:13-23.

- 11 Metzger observes that “[i]t would be more cost-effective to send categories like batteries and non-CFL light bulbs to a landfill (as cities often suggest its customers to do), but we instead provide them to partners who will recycle them.”¹¹ Other items the Company has collected for delivery to its partners include backpacks, alarm clocks, calculators, non-perishable food, eyeglasses, books, hats, scarves, gloves, Halloween candy, kids pajamas, women’s dress clothes, travel size toiletries, stuffed animals/Legos/action figures, food takeout utensils, jewelry, loose and unused diapers, small kitchenware, metal bottle caps, pet supplies and toys, brassieres, bedding, linens, towels, planter pots, wine corks, small electronics, maternity clothes, fabric scraps, and toys.¹²
- 12 Metzger compares Ridwell to traditional solid waste collection companies, junk haulers, and self-haulers and concludes that the Company’s operations are most closely akin to persons who take their own materials to donation locations or recycling centers. “Between November 4, 2019 and April 1, 2020 we offered pickups for 26 categories. Of those 26 categories, 21 (81%) of those categories were items where some portion were donated and reused, while the remaining 5 (19%) were exclusively recycled by specialized recycling partners that are not available through curbside collection.”¹³ Metzger testifies that the regulations applicable to solid waste collection companies do not fit Ridwell’s entrepreneurial operations. The Company’s service plans and pricing options cannot readily be tariffed; considerable accounting resources would be required to separate regulated from non-regulated revenues for purposes of calculating regulatory fees; service area maps would be in constant flux as the Company expands the zip codes in which it offers service; and the cars and van Ridwell uses are owned by drivers who use them for other purposes and thus could not be permanently marked with the Company name and certificate number.¹⁴

APPLICABLE LAW

- 13 “A solid waste collection company shall not operate for the hauling of solid waste for compensation without first having obtained from the commission a certificate declaring

¹¹ *Id.* at 17:15-17.

¹² *Id.* at 17-23.

¹³ *Id.* at 30:18-22.

¹⁴ *Id.* at 37-40.

that public convenience and necessity require such operation.”¹⁵ The statute defines a “solid waste collection company” as a person who owns or operates “vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation . . . as a ‘common carrier’ or as a ‘contract carrier.’”¹⁶ A common carrier is “any person who collects and transports solid waste for disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules.”¹⁷ A “private carrier,” on the other hand, is

a person who, in his or her own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by the person in good faith. A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.¹⁸

14 Solid waste generally is “all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.”¹⁹ For purposes of Commission regulation, solid waste “does not include recyclable materials except for source separated recyclable materials collected from residences.”²⁰

15 Commission rules incorporate and implement these statutory definitions and requirements.²¹ Specifically, the Commission exempts from regulation

the operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from

¹⁵ RCW 81.77.040.

¹⁶ RCW 81.77.010(7).

¹⁷ RCW 81.77.010(3).

¹⁸ RCW 81.77.010(5).

¹⁹ RCW 70.95-030(22).

²⁰ RCW 81.77.010(9).

²¹ Chapter 480-70 WAC.

residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste.²²

- 16 The Commission has not previously entered any orders or issued any formal guidance on what constitutes a private carrier in this context. In exercising its investigatory authority, however, Staff has interpreted the statute and corresponding rule to exclude junk haulers from Commission regulation as solid waste collection companies. The rationale is that these companies' primary business is premises clean up, to which hauling away the solid waste is only an incidental adjunct.

DISCUSSION AND DECISION

- 17 This proceeding presents a novel issue for Commission determination: How should the Commission interpret the definition of "private carrier" in RCW 81.77.010(5)? More specifically, is Ridwell "a person who, in his or her own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by the person in good faith" and thus not a solid waste collection company? Based on our understanding of the statute and the record in this docket, we conclude that Ridwell's current operations do not subject it to Commission jurisdiction as a solid waste collection company.
- 18 The legislature did not define or otherwise explain the term "incidental adjunct to some other established private business." The word "incidental" generally means "happening as a result of or in connection with something more important."²³ "Something that is an adjunct to something larger or more important is connected with it or helps to perform the same task."²⁴
- 19 Ridwell's private business "provides an alternative to customers making trips to various donation centers or recycling operations."²⁵ The Company uses its drivers' private passenger vehicles to transport various materials, including but not limited to recyclable materials, to these third party "partners." Ridwell essentially provides a private delivery service, pursuant to which it picks up unwanted items from residential customers and

²² WAC 480-70-011(1)(g).

²³ <https://www.collinsdictionary.com/us/dictionary/english/incidental>.

²⁴ <https://www.collinsdictionary.com/us/dictionary/english/adjunct>.

²⁵ Metzger, Exh. RM-1T at 3:5-6.

delivers those items on behalf of its customers to organizations or businesses that can reuse or recycle them. Ridwell thus is acting as a private carrier, not a solid waste collection company.

- 20 The statute as a whole supports this interpretation. The legislature has determined that solid waste collection is an essential service in Washington. Once the Commission grants a certificate of public convenience and necessity to a solid waste collection company, that company generally has an exclusive territory in which to provide service,²⁶ in exchange for which the Commission has broad authority to oversee the company's operations.²⁷
- 21 As with other public service companies, Commission regulation of solid waste collection companies substitutes for the competitive market forces that constrain pricing, terms, and conditions for products and services provided by other types of businesses. Where such market constraints exist, the statute expressly exempts certain companies that transport recyclable materials from Commission oversight. The Commission cannot regulate companies that contract with a city or municipality for solid waste collection,²⁸ reflecting the legislative determination that negotiations between companies and local government entities will result in appropriate rates, terms, and conditions. Commission jurisdiction also does not extend to collection of recyclable materials except source separated recyclable materials collected from residences,²⁹ in the belief that business customers have sufficient bargaining power to establish their own arrangements. Nor are private carriers subject to Commission oversight because the entirety of their business is subject to market discipline. In each instance, the legislature has determined that Commission regulation is unnecessary to protect consumers and certificated companies providing service in the same area.
- 22 We view the definition of "private carrier" in light of this statutory scheme. To be considered a private carrier, a person's transport of solid waste must be only one part of a

²⁶ See RCW 81.77.040 (allowing a company to operate in another solid waste collection company's service territory only if the existing company will not provide service to the satisfaction of the Commission or does not object).

²⁷ RCW 81.77.030.

²⁸ RCW 81.77.130.

²⁹ RCW 81.77.010(9). Local governments also have the ability to preempt Commission jurisdiction over source separated recyclable materials collected from residences if those entities contract with the service company or provide such service themselves. RCW 81.77.130.

private business operated in good faith and must not require Commission regulation to ensure that customers are treated fairly and that certificated solid waste collection companies are not disadvantaged.

- 23 Ridwell satisfies this standard. The Company collects and transports a variety of items, less than 20 percent of which are recyclable materials and none of which are materials the certificated companies collect at the curb. Customers pay a flat monthly fee regardless of which items Ridwell picks up from them or whether the Company collects any recyclable materials from them at all. Ridwell uses passenger vehicles and a cargo van to make the collections and deliver the items to donation centers or third party recycling operations. Those vehicles are not designed or used primarily for the transport of solid waste and present no greater safety hazard than the millions of other cars on the road. Customers are giving away the items the Company collects and thus those items need not be protected from damage or theft. Ridwell picks those items up outside residences, posing no risk to the customers themselves or their personal property. And if a customer does not like the Company's service rates, terms, or conditions, the customer can either throw their unwanted items in the trash or take the items themselves to the same donation locations or recycling centers to which Ridwell delivers them. Under these circumstances, Commission intervention in the Company's business is simply unwarranted.
- 24 Staff contends that Ridwell's operations bring it under the Commission's jurisdiction. The Company charges subscription customers to pick up source-separated recyclable materials from outside residences on a regular basis and take those materials to a MRF for sorting and processing – the same activities that solid waste collection companies undertake. While there are superficial similarities between such companies and Ridwell, the Company's business is more akin to a specialized package delivery service. Ridwell picks up items its customers want to send to organizations that will reuse, repurpose, or sustainably transform them – the same organizations to which customers can deliver unwanted items directly. Company drivers take the items to a centralized distribution center to be combined with like items and routed for delivery to their ultimate destination, much like the system used by the postal service. Collection of solid waste is an incidental adjunct to this delivery service, just as it would be if a consumer boxed up and mailed recyclable materials.
- 25 Staff nevertheless maintains that the vast majority of the materials Ridwell collects – clothing, as well as plastic wrap, batteries, and light bulbs – are designated as solid waste under county comprehensive solid waste management plans, thus making collection of

solid waste the primary purpose of the Company's business, not an incidental adjunct. As an initial matter, we do not construe the inclusion of "textiles" in county solid waste plans to mean that clothing, shoes, and similar items are considered solid waste if they are intended to be reused. Certainly such items can be thrown in the trash, but the same is true of anything that can fit within a garbage container. Nor are we willing to find that charitable organizations that pick up used clothing donations for resale are transporting solid waste. The donated clothing, shoes, and other items Ridwell collects to deliver to organizations that will reuse them are not solid waste as we interpret that term for regulatory purposes.

- 26 More generally, whether a person's transportation of solid waste is an incidental adjunct to another private business does not depend on the amount of those materials. The quantity of solid waste collected is one factor in determining the person's regulatory status, but it is not the only consideration. Here, roughly half of the items Ridwell collects are recyclable materials when measured by volume or weight, but as discussed above, that collection nevertheless is an incidental adjunct of the Company's pickup and delivery business. The majority of packages sent through the U.S. Mail may contain merchandise, but that does not make the postal service a retailer.
- 27 Staff also relies on its evaluation of the criteria in WAC 480-70-016(4) to support its position. That subsection of the Commission's rule provides,

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and

(g) Whether the carrier holds itself out to the public as a transporter of solid waste.

28 This rule is of limited applicability in this case because it is used to determine which type of certificate a regulated company must have, not necessarily whether the company should be regulated at all. Even applying the rule to Ridwell's operations, however, the factors do not support classifying the Company as a solid waste collection company because: (a) Ridwell's intent is to remove items from the waste stream by picking them up from customers' residences and delivering them to organizations that will reuse or recycle them; (b) the intended destination of the items is such organizations to which customers also have access; (c) the actual destination is those organizations; (d) neither Ridwell nor the organizations place special handling or conditions on those items; (e) the items have no value to the customers from whom the Company collects them but have value to the organizations that receive them; (f) Ridwell is primarily engaged in the business of providing pickup and delivery service, not the collection of solid waste; and (g) Ridwell holds itself out to the public as a company that will "pick up your stuff and make sure it is either locally reused or sustainably recycled,"³⁰ not as a transporter of solid waste.

29 Staff recognizes that Ridwell's operations vary from traditional regulated companies but advocates that the Commission tailor its regulations to the Company after classifying it as a solid waste collection company. Even if we were to so classify Ridwell, which we do not, the legislature limits the Commission's ability to tailor regulation to the Company's unique business model. The statute provides,

The commission shall supervise and regulate every solid waste collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations;

(2) By regulating the accounts, service, and safety of operations;

(3) By requiring the filing of annual and other reports and data;

³⁰ McPherson, Exh. KM-19 (Staff Investigation Report) at 17 (Attachment D, Ridwell website screenshots).

(4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By requiring compliance with local solid waste management plans and related implementation ordinances;

(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.³¹

30 The Commission may waive or modify its own rules but has no authority to alter statutory requirements. The statute requires the Commission to fix solid waste collection company rates, terms, and conditions, regulate accounts, service, and safety of operations, and supervise all other aspects of a company's relationship with the public. The Commission also must require that companies "use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans." This latter requirement in particular is inconsistent with the rate structure Ridwell currently uses, and all of the statutory requirements would necessitate substantial changes, and significantly increase costs, to the Company's entire business, not just its collection of solid waste. Commission regulation of Ridwell consistent with the statute thus would fundamentally alter the Company's operations.

31 And there is no certainty that the Commission would issue Ridwell a certificate to operate as a solid waste collection company. Such action would require subsequent proceedings in which current certificate holders could object to the Commission granting the Company such authority, and the Commission could deny the Company's application. Even if the Commission issued Ridwell a certificate, moreover, the Company would have an exclusive service territory, precluding any other companies – including other

³¹ RCW 81.77.030.

certificated carriers – from collecting the recyclable materials Ridwell collects. Rather than protecting consumers, Commission regulation of Ridwell would likely limit their alternatives for responsibly disposing of unwanted items and undermine the Company’s efforts to reduce the amount of material taken to landfills. We decline to interpret the statute in a manner that could lead to such a result.

32 We emphasize that our decision is based on Ridwell’s current business as described in the record. Significant changes to the Company’s operations could affect our analysis. We might need to reevaluate Ridwell’s status if, for example, the Company began to collect recyclable materials that certificated solid waste collection companies collect curbside from residential customers. Similarly, the Company would need a certificate for, or to curtail, collection of plastic wrap, batteries, or light bulbs if the certificated carrier begins to include those items in its curbside collection.

33 Finally, we do not fault Staff for bringing the complaint for classification of Ridwell. Staff’s investigation of the Company was thorough and well-documented. Staff communicated with representatives of Ridwell and affected government entities and worked with them in an attempt to reach a mutually acceptable outcome consistent with the law. Ultimately, the parties were unable to agree and brought their jurisdictional dispute to the Commission for determination. The novel issues presented are challenging. Both parties advocated reasonable interpretations of the statute and provided evidence that assisted the Commission in reaching its decision. We commend Staff and Ridwell for their efforts, through which the public interest has been well-served.

FINDINGS OF FACT

34 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including solid waste collection companies and common carriers.

35 (2) Ridwell uses passenger vehicles and a cargo van to pick up used clothing, shoes, and other reusable items from residential customers, as well as recyclable materials that certificated carriers do not collect, specifically plastic wrap, batteries, and light bulbs.

- 36 (3) The passenger vehicles and cargo van Ridwell uses are owned by the drivers, are not designed to transport solid waste, and are also used for purposes other than Ridwell's operations.
- 37 (4) Items the Company has collected from its customers include backpacks, alarm clocks, calculators, non-perishable food, eyeglasses, books, hats, scarves, gloves, Halloween candy, kids pajamas, women's dress clothes, travel size toiletries, stuffed animals/Legos/action figures, food takeout utensils, jewelry, loose and unused diapers, small kitchenware, metal bottle caps, pet supplies and toys, brassieres, bedding, linens, towels, planter pots, wine corks, small electronics, maternity clothes, fabric scraps, and toys.
- 38 (5) Whenever possible, Ridwell delivers the items it collects to local non-profit organizations that can reuse the items.
- 39 (6) When an item cannot be reused, Ridwell delivers it to a local specialized recycler to which people could deliver the item themselves.
- 40 (7) Ridwell charges its customers a flat monthly subscription fee for its pickup and delivery service, regardless of which items the Company collects, and offers to pick up specified items every two weeks.
- 41 (8) As of May 1, 2020, Ridwell provides service to over 7,000 active customers in King and Snohomish counties and is exploring expanding its operations to adjoining areas.

CONCLUSIONS OF LAW

- 42 (1) The Commission has jurisdiction over the subject matter of, and parties to, this proceeding.
- 43 (2) Ridwell transports solid waste in its drivers' vehicles, which are not designed or used primarily for the transport of solid waste, purely as an incidental adjunct to the Company's established private pickup and delivery business owned or operated by Ridwell in good faith. Accordingly, Ridwell is a private carrier as defined in RCW 81.77.010(5).

- 44 (3) Ridwell did not violate the provisions in Title 81 RCW that forbid operating for
the hauling of solid waste for compensation without first obtaining a certificate of
public convenience and necessity from the Commission.
- 45 (4) The Commission should not classify Ridwell as a solid waste collection company.
- 46 (5) The Commission should dismiss the complaint seeking classification of Ridwell.

ORDER

47 THE COMMISSION ORDERS that the Complaint Seeking Classification of Ridwell,
Inc., is dismissed.

Dated at Lacey, Washington, and effective August 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Gregory J. Kopta
GREGORY J. KOPTA
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2)(a) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(2)(b). WAC 480-07-825(2)(c) states that any party may file and serve an *Answer* to a Petition for Review within ten (10) days after the Petition is filed.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).