

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-080868
)	
Complainant,)	ORDER 02
)	
v.)	
)	
RABANCO LTD, D/B/A EASTSIDE DISPOSAL AND ALLIED WASTE SERVICES OF BELLEVUE, G-12)	ORDER CONTINUING THE SUSPENSION OF PROPOSED TARIFF; ALLOWING RATES ON A TEMPORARY BASIS, SUBJECT TO REFUND, ON LESS THAN
)	STATUTORY NOTICE
Respondent.)	
.....)	

BACKGROUND

- 1 On May 16, 2008, Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue (Rabanco or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 11. The stated effective date was July 1, 2008. The Commission suspended the proposed filing on June 26, 2008, because the Company had not yet demonstrated that the proposed rates were fair, just, reasonable, and sufficient.
- 2 In this filing, Rabanco proposes to increase solid waste rates for the collection of garbage, recycling and yard waste. Rabanco’s proposed rates were designed to increase revenues by \$672,000 (7.35 percent) annually. Commission Staff’s review revealed that the proposed rates were excessive. Staff and Rabanco negotiated revised rates that would increase annual revenues by approximately \$312,000 (3.42 percent). Some garbage rates decrease, the proposed recycling increases are revised downward and the revised yard waste rates are higher than the rates originally proposed by Rabanco and noticed to customers. On August 22, 2008, Rabanco filed revised rates on substitute tariff pages to reflect this reduced revenue level.
- 3 Staff responded to 10 customer comments in its June 26, 2008, memorandum. Since then, the Commission received seven additional comments. The majority of the comments concerned the amount of the proposed increases and the rate design. Staff’s goal is to recommend rates that will allow the Company to recover reasonable operating costs and

allow the opportunity to earn a reasonable return. Three customers commented on poor customer service. Commission Staff is working with those customers and the Company. No customers have had the opportunity to comment on the proposed revised rates filed by Rabanco on August 22, 2008.

- 4 WAC 480-70-266 requires tariff changes to be filed with the Commission forty-five days prior to the effective date. Because the revised yard waste rates are higher than the originally proposed rates filed on May 16, 2008, the rule requires the Company to file those changes with the Commission forty-five days prior to the effective date. The Company requests, however, less than statutory notice as permitted by WAC 480-70-276, so that the revised tariff revisions become effective on a temporary basis, subject to refund, on September 1, 2008. The Company requests less than statutory notice to allow it to begin recovering the revenue that it has demonstrated it needs.
- 5 Customers who have submitted comments to the Commission deserve to know about, and comment on, the proposed revised rates. The Commission should consider all information, including any additional customer comments on the revised rates, in deciding whether to conduct an evidentiary hearing on the revised rates. Rabanco, therefore, has not yet demonstrated the revised rates are fair, just, reasonable and sufficient.
- 6 The proposed revised rates might injuriously affect the rights and interests of the public. The Commission therefore continues the suspension of the tariff filing. The Commission accepts the proposed revised rates as temporary rates and allows those revised rates to become effective on September 1, 2008, on a temporary basis, subject to refund, on less than statutory notice.

FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.*

- 8 (2) Rabanco is a solid waste company and a public service company subject to Commission jurisdiction.
- 9 (3) At its June 26, 2008, open meeting, the Commission entered a Complaint and Order suspending Tariff Revisions, suspending the tariff revisions Rabanco filed on May 16, 2008.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on August 28, 2008.
- 11 (5) The tariff revisions Rabanco filed on May 16, 2008, and the substitute pages filed on August 22, 2008, would increase charges and rates for garbage, recycling and yard waste service provided by Rabanco.
- 12 (6) Rabanco is subject to WAC 480-70-266, which requires solid waste companies to file changes in any rate or charges with forty-five days' notice. For good cause shown, however, the Commission may allow changes without requiring forty-five days' notice by order specifying the changes to be made and the time when it shall take effect.
- 13 (7) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also* WAC 480-07-110.
- 14 (8) Staff has reviewed Rabanco's request in Docket TG-080868 and recommends the Commission grant the request for less than statutory notice. Staff further recommends the Commission grant an exemption from the customer notice requirements of WAC 480-70-271.
- 15 (9) Rabanco has not yet demonstrated that the provisions for the rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates filed on August 22, 2008, to become effective September 1, 2008, on a temporary basis, subject to refund, on less than statutory notice.

- 16 (10) In addition, the Commission invokes the rights, remedies and procedures contained in the reparations statute, RCW 81.04.220, to the extent the Commission finds that any rate subject to this investigation is excessive or exorbitant.
- 17 (11) Rabanco may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The tariff revisions Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue filed on May 16, 2008, remain suspended.
- 19 (2) After the effective date of this Order, Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue is granted an exemption from WAC 480-70-271 which requires a thirty day notice to customers of proposed changes to increase charges or restrict access in service.
- 20 (3) The proposed revised tariff Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue filed on August 22, 2008, shall become effective on September 1, 2008, on less than statutory notice, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 21 (4) The Commission may hold hearings if needed at such times and places as required.
- 22 (5) Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue must not change or alter the tariff pages filed in this docket during the suspension period, unless the Commission authorizes the change in this docket.
- 23 (6) The Commission may institute an investigation of Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue's books, accounts, practices, activities, property and operations as necessary and as described above.

- 24 (7) Rabanco Ltd, d/b/a Eastside Disposal and Allied Waste Services of Bellevue shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective August 28, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner