

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment) DOCKET TG-121205
Against)
)
PULLMAN DISPOSAL SERVICE, INC.)
)
In the Amount of \$2,300) NARRATIVE SUPPORTING
) SETTLEMENT AGREEMENT
)

I. INTRODUCTION

1 This Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of both Pullman Disposal Service, Inc. (Pullman Disposal) and the Staff of the Washington Utilities and Transportation Commission (Staff). Both parties have signed the settlement agreement (Agreement), which is being filed concurrently with this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.

II. PROPOSALS FOR REVIEW PROCEDURE

2 The parties submit that this matter is considerably less complex than a general rate proceeding and request that review proceed on a timetable for less complex matters, as provided in WAC 480-07-740(1)(b). To the knowledge of either party, there are no opponents of the settlement. In its Notice Canceling Hearing and Requiring Parties to File Settlement Documents, the Washington Utilities and Transportation Commission (Commission) indicated that the Commission anticipates issuing an order without need for a

settlement hearing. Because of the less complex nature of this matter and the uncontested status of the settlement, the parties concur that a formal settlement hearing along with the opportunity for public comment are unnecessary in this case.

3 The parties do not intend to file documentation supporting the Agreement, with the exception of the Agreement itself and this Narrative. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the parties will provide documentation as needed.

4 In keeping with WAC 480-07-740(2)(b), the parties are prepared to present one or more witnesses each to testify in support of the proposal and answer questions concerning the Agreement's details, and its costs and benefits, should such testimony be required. In addition, representatives of both parties are available to respond to any questions regarding the proposed settlement that the Commission may have.

5 The parties request a streamlined review of the proposed settlement. To that end, the parties would prefer an informal review on a paper record. In accordance with WAC 480-07-730, the parties propose the foregoing procedural alternatives for review of the proposed settlement agreement.

III. SCOPE OF THE UNDERLYING DISPUTE

6 The underlying dispute concerns penalties assessed by the Commission against Pullman Disposal. On May 30, 2012, Pullman Disposal notified the Commission that it had charged 23 customers twice the approved rate over a ten-month period due to a billing error. WAC 480-70-236(1) requires companies to assess rates that are no higher, lower, or different from those contained in its approved tariff.

7 Pullman Disposal requested mitigation of the penalty, and the Commission
scheduled a hearing. Subsequently, the parties negotiated and reached a full settlement of
the dispute.

IV. DESCRIPTION OF PROPOSED SETTLEMENT

8 The settlement resolves all of the issues in dispute. Pullman Disposal admits that it
violated Commission rule by overcharging the affected customers and has pledged to
institute an internal procedure for double checking data entry of rates. Furthermore, the
settlement provides for payment of \$1,150 in penalties, which represents one half the
amount of the penalty assessment.

V. STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST

9 As stated in the Agreement, the settlement represents a compromise of the positions
of the two parties. The parties find it is in their best interests to avoid the expense,
inconvenience, uncertainty, and delay inherent in a litigated outcome. Likewise, it is in the
public interest that this dispute conclude without the further expenditure of public resources
on litigation expenses. Finally, Staff is satisfied that the Agreement is consistent with its
consumer protection efforts because Pullman Disposal provided Staff with satisfactory proof
that each of the affected accounts had been properly credited and the company has
developed an internal procedure for preventing errors such as the one that precipitated the
overcharges at issue in this proceeding.

VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

10 In WAC 480-07-700, the Commission states its support for parties' informal efforts
to resolve disputes without the need for contested hearings when doing so is lawful and

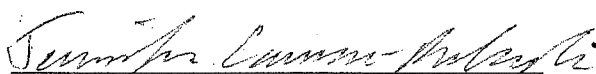
consistent with the public interest. The parties have resolved all of the issues in dispute between them, and their resolution complies with Commission rules and, as explained above, is consistent with the public interest.

VII. CONCLUSION

11 Because the parties have negotiated a compromise on all of the issues in this dispute and because the settlement is in the public interest, both parties request that the Commission issue an order approving the Agreement in full.

Respectfully submitted this 10th day of October, 2012.

ROBERT M. MCKENNA
Attorney General



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Assistant Attorney General
Counsel for the Washington Utilities and
Transportation Commission

DEVON L. FELSTED
President, Pullman Disposal Service, Inc.

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