

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WEST WASTE AND RECYCLING,
INC., G-251

Respondent.

DOCKET TG-181036

ORDER 01

COMPLAINT AND ORDER
SUSPENDING TARIFF; ALLOWING
RATES ON AN INTERIM BASIS,
SUBJECT TO REFUND

BACKGROUND

- 1 West Waste and Recycling, Inc., (West Waste or Company) filed with the Washington Utilities and Transportation Commission (Commission) proposed tariff revisions on December 17, 2018, that would generate approximately \$138,800 (10.7 percent) in additional annual revenue. The Company provides service to approximately 1,000 residential and commercial garbage customers in Jefferson and Clallam Counties. The stated effective date of the tariff revisions is February 1, 2019.
- 2 The Company’s filing includes a pass-through disposal fee increase set by Harold LeMay Enterprises, Inc., at the LeMay transfer station. On January 1, 2019, Harold LeMay Enterprises, Inc., increased the disposal fee at the LeMay transfer station from \$69.71 per ton to \$80.00 per ton. Commission Staff (Staff) has calculated that the increase to the disposal fee on January 1, 2019, would account for approximately \$54,000 (4 percent) of the total requested rate increase. The remainder of the requested rate increase is attributable to an increase in operating expenses of approximately \$84,800.
- 3 On January 18, 2019, the Company filed four replacement pages associated only with the increased disposal fees. These replacement pages are indicated as: 2 Revised Page No. 21 regarding Item 100; 2 Revised Page No. 30 regarding Item 230; 2 Revised Page No. 31 regarding Item 240; and, 1 Revised Page No. 31A regarding Item 240.

4 Disposal fees are costs that are passed-through to customers by statute.¹
RCW 81.77.160(2) requires the Commission to allow the portion of the tariff filing related
to pass-through disposal fees to go into effect on an interim basis and subject to refund
pending a Commission final order.

5 Because the increase to rates filed by the Company on December 17, 2018, might
injuriously affect the rights and interests of the public, Staff recommends the Commission
suspend the tariff filing but allow the portion of the requested rate increase attributable to
disposal fees, as reflected in the four replacement pages filed by the Company on
January 18, 2019, to go into effect on February 1, 2019, subject to refund, pursuant to
RCW 81.77.160(2).

DISCUSSION

6 We agree with Staff that the Commission is required to allow the portion of the requested
increase attributable to pass-through disposal fees, as reflected in the four replacement
pages filed by the Company on January 18, 2019, to become effective on February 1,
2019, on an interim basis and subject to refund pending a Commission final order pursuant
to RCW 81.77.160(2).

7 Because the Company has not yet demonstrated that the tariff revisions would produce
rates that are fair, just, reasonable, and sufficient, and the proposed rates might injuriously
affect the rights and interests of the public, the Commission suspends the Company's tariff
filing of December 17, 2018, and allows the portion of the requested increase attributable
to pass-through disposal fees, as reflected in the four replacement pages filed by the
Company on January 18, 2019, to become effective on February 1, 2019, on an interim
basis and subject to refund.

FINDINGS AND CONCLUSIONS

- 8 (1) The 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 collection companies.
- 9 (2) West Waste is a solid waste collection company and a public service company
subject to Commission jurisdiction.

¹ RCW81.77.160(1).

- 10 (3) This matter came before the Commission at its regularly scheduled meeting on
January 31, 2019.
- 11 (4) The tariff revisions West Waste filed on December 17, 2018, would increase
charges and rates for services provided by West Waste, and might injuriously
affect the rights and interest of the public.
- 12 (5) West Waste has not demonstrated that the requested rate increase is fair, just,
reasonable, and sufficient.
- 13 (6) The Commission is required by RCW 81.77.160 to allow portions of a requested
rate increase by a solid waste collection company that are attributable to pass-
through disposal fees to become effective as of the tariff revisions' original
effective date.
- 14 (7) Accordingly, the Commission finds that West Waste's tariff filing of
December 17, 2018, should be suspended, and the portion of the requested rate
increase attributable to pass-through disposal fees, as reflected in the four
replacement pages filed by the Company on January 18, 2019, should be allowed
to become effective February 1, 2019, on an interim basis and subject to refund.
- 15 (8) In order to carry out the duties imposed upon the Commission by law, and as
authorized in RCW 81.04.130 and RCW 81.04.220, the Commission believes it is
necessary to investigate West Waste's books, accounts, practices, and activities,
and to investigate and appraise various phases of the Company's operations.
- 16 (9) As required by RCW 81.04.130, West Waste bears the burden of proof to show
that the proposed increases are just, reasonable, and sufficient.
- 17 (10) West Waste may be required to pay the expenses reasonably attributable and
allocable to such an investigation consistent with the provisions of RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The tariff revisions filed by West Waste and Recycling, Inc. G-251 on
December 17, 2018, are suspended.
- 19 (2) The portion of the requested rate increase attributable to pass-through disposal

fees, as reflected in the four replacement pages filed by West Waste and Recycling, Inc. G-251 on January 18, 2019, shall become effective on February 1, 2019, on an interim basis and subject to refund pursuant to RCW 81.77.160.

- 20 (3) The Commission may hold hearings at such times and places as may be required.
- 21 (4) West Waste and Recycling, Inc. G-251 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.
- 22 (5) The Commission will institute an investigation of West Waste and Recycling, Inc. G-251's books, accounts, practices, activities, property, and operations as necessary and as described above.
- 23 (6) West Waste and Recycling, Inc. G-251 shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective January 31, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner