

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-081071
)	
Complainant,)	ORDER 02
)	
v.)	
)	
FIORITO ENTERPRISES, INC., & RABANCO COMPANIES D/B/A KENT MERIDIAN DISPOSAL CO., G-60)	ORDER CONTINUING THE SUSPENSION OF PROPOSED TARIFF; ALLOWING RATES ON A TEMPORARY BASIS, SUBJECT TO REFUND
Respondent.)	
.....)	

BACKGROUND

1 On June 16, 2008, Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co., (Kent Meridian or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 11. The stated effective date is August 1, 2008.

2 In this filing, Kent Meridian proposes to increase rates for the collection of solid waste, curbside recycling, and yardwaste. Kent Meridian’s proposed rates were designed to increase revenues by \$2,960,000 (22.6 percent) annually. Commission Staff’s review revealed that the proposed rates were excessive. Staff and Kent Meridian negotiated revised rates that would increase annual revenues by approximately \$1,159,000 (9.6 percent). On September 17, 2008, Kent Meridian filed revised, lower rates on substitute tariff pages to reflect this lower revenue level.

3 Staff responded to 17 customer comments in its July 31, 2008, memorandum. Since then, the Commission received six additional comments that did not raise any new issues.

4 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. Kent Meridian,

therefore, has not yet demonstrated the revised rates are fair, just, reasonable and sufficient.

- 5 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 October 1, 2008, on a temporary basis, subject to refund.

FINDINGS AND CONCLUSIONS

- 6 (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.*
- 7 (2) Kent Meridian is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) At its July 31, 2008, open meeting, the Commission entered a Complaint and Order Suspending Tariff Revision, in which it suspended the tariff revisions filed on June 16, 2008.
- 9 (4) This matter came before the Commission at its regularly scheduled meeting on September 25, 2008.
- 10 (5) The tariff revisions Kent Meridian filed on June 16, 2008, and the substitute pages filed on September 17, 2008, would increase charges and rates for garbage and recycling.
- 11 (6) Kent Meridian 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 September 17, 2008, to become effective October 1, 2008, on a temporary basis, subject to refund.

- 12 (7) Under RCW 81.04.130 and RCW 81.04.220, the Commission deems it necessary to further investigate this tariff filing in order to determine just and reasonable rates, which may include rates that are the same as, higher than or lower than existing or proposed rates. The Commission may also order reparations to the extent the Commission finds that any rate charged by the company and subject to this investigation is excessive or exorbitant.
- 13 (8) As required by RCW 81.04.130 (4), Kent Meridian bears the burden of proof to show that the proposed increase is fair, just, reasonable and sufficient. Nothing in this Order is intended to limit the issues as to the fairness, justness, reasonableness and sufficiency of the proposed increase.
- 14 (9) Kent Meridian may be required to pay the expenses reasonably attributable and allocable to such further investigation, consistent with RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The tariff revisions Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co. filed on June 16, 2008, remain suspended.
- 16 (2) The proposed revised tariffs Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co., filed on September 17, 2008, shall become effective on October 1, 2008, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 17 (3) Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co., 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.
- 18 (4) The Commission may institute a further investigation of Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co.'s, books, accounts, practices, activities, property and operations and may hold hearings if needed at such times and places as required.

- 19 (5) Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co., shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective September 25, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner