

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

WASHINGTON UTILITIES AND)	DOCKET TGV-101639
TRANSPORTATION COMMISSION,)	
)	ORDER 01
Complainant,)	
)	
v.)	INITIAL ORDER DISMISSING
)	COMPLAINT
TRASHBUSTERS OF WASHINGTON)	
STATE, LLC)	
)	
Respondent.)	
.....)	

- 1 **Synopsis.** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective as provided in the notice at the end of this Order. If this Initial Order becomes final, the complaint against Trashbusters of Washington State, LLC will be dismissed because the Company is now in full compliance with all laws and Commission regulations governing the filing of annual reports and payment of regulatory fees.*

- 2 **Nature of Proceeding.** This proceeding involves a complaint seeking cancellation of the certificate of public convenience and necessity held by a solid waste collection company for failure to submit an annual report for 2009 and failure to pay regulatory fees for 2010.

- 3 **Appearances.** Greg Trautman, Assistant Attorney General, Olympia, Washington represents the Washington Utilities and Transportation Commission’s (Commission) regulatory staff (Staff).¹ Michael McKee, President, represents Trashbusters of Washington State, LLC (Trashbusters or Company).

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

- 4 **Background and Procedural History.** On November 19, 2010, the Commission initiated a complaint against Trashbusters. The complaint alleges that Trashbusters failed to file its required annual report for 2009 and also failed to pay required regulatory fees for 2010.
- 5 On due and proper notice on February 2, 2011, in Olympia, Washington, administrative law judge Adam E. Torem conducted a hearing on the complaint. At the hearing, Staff and Trashbusters proposed an agreement that would resolve all issues raised in the complaint by requiring Trashbusters to timely accomplish specified filing and payment conditions. The parties agreed to deadlines for the Company to satisfy these conditions, but to provide sufficient time to research which portions of Trashbusters' business were subject to regulation, Commission Staff and Trashbusters agreed to several extensions of those deadlines.
- 6 On June 17, 2011, Commission Staff filed a letter with the Commission confirming that Trashbusters has now made all required filings and regulatory fee payments for 2009 and 2010. Commission Staff recommends that the Commission dismiss the complaint and close the docket.

DISCUSSION AND DECISION

- 7 **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year. RCW 81.04.080. Every public service company must also pay a regulatory fee each year on or before the date specified by the Commission. RCW 81.24.010. Commission rules require all solid waste collection company holding a certificate of public convenience and necessity to file annual reports and pay regulatory fees by May 1. WAC 480-70-071 and -076. The Commission may cancel a solid waste collection company's certificate of public convenience and necessity for good cause, which includes, but is not limited to the failure to file an annual report or pay regulatory fees. WAC 480-70-161.
- 8 Trashbusters is a public service company as defined in RCW 81.04.010 and holds a certificate of public convenience and necessity that permits it to operate as a solid waste collection company within designated territory in the state of Washington. According to WAC 480-70-071 and -076, Trashbusters is required to submit annual reports to the Commission and pay regulatory fees.

9 **Compliance Agreement.** At the hearing on February 2, 2011, Staff and Trashbusters agreed that Trashbusters' certificate of public convenience and necessity should not be canceled if the company timely performed each of the following actions:

- (a) filed its Annual Report for 2009 no later than February 10, 2011;
- (b) paid its outstanding 2009 regulatory fees, along with all statutory late fees plus interest, which amounts to the sum of \$2,987.20, no later than February 28, 2011; and
- (c) paid its 2010 regulatory fees, along with any statutory late fees plus interest, no later than March 31, 2011.

Commission Staff agreed to provide any necessary technical assistance to Trashbusters to facilitate the Company voluntarily bringing itself into full compliance with all laws and Commission regulations applicable to annual reports and regulatory fees. Trashbusters affirmed its understanding of the agreement and its intention to timely honor each of its terms.

10 **Dismissal of Complaint.** Trashbusters has performed all required actions under its agreement with Commission Staff and is in compliance with its legal obligations to file annual reports and pay regulatory fees. Accordingly, the complaint against Trashbusters should be dismissed.

11 **Cancellation of Status Conference.** The parties previously agreed that the Commission should schedule a status conference to ensure that all terms of the compliance agreement had been accomplished or, in the alternative, allow inquiry into any unforeseen circumstances that may have prevented Trashbusters from satisfying its obligations. Commission Staff, however, now agrees that Trashbusters is in full compliance with the terms of the settlement agreement, and the parties request cancellation of the status conference set for Tuesday, June 21, 2011. This request is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS THAT:

- 12* (1) The complaint against Trashbusters of Washington State, LLC, is dismissed.
- 13* (2) The status conference set for June 21, 2011, is canceled.
- 14* (3) The Commission retains jurisdiction over the subject matters and parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective June 20, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
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) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

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.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250