

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

ROBERT J. PELLEGRINI d/b/a
UPPER/OKANOGAN VALLEY
DISPOSAL

Respondent.

DOCKET TG-231026

ORDER 02

GRANTING REQUEST TO EXTEND
FILING DEADLINE; AMENDING
ORDER 01

BACKGROUND

- 1 On December 15, 2023, Robert J. Pellegrini, d/b/a Upper/Okanogan Valley Disposal (Upper/Okanogan or Company), filed proposed tariff revisions with the Washington Utilities and Transportation Commission (Commission) that would generate approximately \$260,000 or 12 percent of additional annual revenue. The Company serves 2,800 residential, 740 commercial, and 40 drop box customers in Okanogan County. The Company requested this rate increase to recover higher general operating costs prompted by an increase in investments needed to replace one of six of its fleet of solid waste vehicles that were fully depreciated and purchased in 2017.
- 2 On January 16, 2024, Commission staff (Staff) and the Company agreed to settle the case by using a 91.5/8.5 operating ratio to enable the Company to generate approximately \$167,000 (7.7 percent) in additional annual revenue to begin investing in new equipment.¹ On this same date the Company filed replacement pages at the agreed upon rates, reflecting its discussions and agreements reached with Staff.

¹ *In the Matter of the Request of Robert J. Pellegrini d/b/a Upper/Okanogan Valley Disposal To Approve Tariff Revisions Regarding a Temporary Surcharge for Recovery of Purchased Water Expenses*, Docket TG-231026, Order 01, Allowing Rates to Go Into Effect, Subject to Condition; Granting Exemption from Rule at 2 ¶ 7 (January 25, 2025).

- 3 On January 25, 2024, following its regularly scheduled open meeting, the Commission entered Order 01 subject to conditions granting exemption from the rule² and allowing the proposed rates the Company filed on December 15, 2023, and revised on January 16, 2024, to become effective February 1, 2024.³ Specifically the conditions set forth in Order 01 required the Company to submit a filing no later than August 1, 2025, demonstrating Upper/Okanagan's acquisitions of new assets or proposing reduced rates.⁴
- 4 On July 31, 2025, Heather Garland, a representative previously listed as an authorized filer for the Company, requested to extend the date by which the Company was required to file a new rate case from August 1, 2025, to November 1, 2025, so that it had additional time to comply with Order 01 to either demonstrate the acquisition of new assets or propose reduced rates. Following this request, Staff sent data requests to the Company to obtain further information regarding its operations and to determine whether any new assets were purchased.
- 5 Staff has reviewed the request and agree that there is good cause to extend the filing date for the Company's next rate case. Upon review of public records, Staff learned that Robert J. Pellegrini, the owner and sole proprietor of the Company, recently passed, and that his estate is in the process of being reviewed by the Okanogan Superior Court. Staff anticipate there will be a change in control and ownership at the resolution of that proceeding. Accordingly, Staff recommends extending the filing requirement to follow Commission approval for the transfer of control of the utility.
- 6 On August 28, 2025, this matter came before the Commission at its regularly scheduled open meeting. Staff provided an update as to their understanding of the estate proceedings. At the open hearing Staff proposed and discussed several other modifications that the Commission should consider making to the timeline and requirements set forth in paragraphs 10, 17, and 19 of Order 01.

DISCUSSION AND DECISION

- 7 The Commission may alter, amend, or rescind any order it has entered, or do so in response to a petition.⁵ The Commission must give all parties an opportunity to respond

² WAC 480-07-110(1).

³ Docket TG-231026, Order 01 at 3 ¶ 17 and 4 ¶¶ 18-19.

⁴ *Id.*

⁵ WAC 480-07-875(1).

in writing or at a hearing⁶ to the petition or to the Commission's proposal to alter, amend, or rescind.

8 Given that it is unclear whether the former authorized filer, Heather Garland, retains authority to file on behalf of the Company, an Executor has not yet been determined by the Okanagan Superior Court, and the request for extension is unopposed by Staff, we find good cause, on our own motion, to amend Order 01.

9 Accordingly, we amend Paragraphs 10, 17, and 19 in Order 01, extend the requirement for Upper/Okanagan to notify the Commission of the status of the estate and resolution of the award of letters testamentary, as well as the status of new assets, transfer of control, and the projected process for a general rate case from August 1, 2025, until November 1, 2025.

FINDINGS AND CONCLUSIONS

10 (1) The Commission is an agency of the state of Washington vested by statute with the authority to regulate the rates, rules, regulations, and practices of solid waste collection companies.

11 (2) Upper/Okanagan is a solid waste collection company subject to regulation by the Commission.

12 (3) On January 25, 2024, the Commission entered Order 01, which required the Company to submit a filing with the Commission no later than August 1, 2025, demonstrating its acquisition of new assets or proposing reduced rates. Order 01 is hereby amended to extend the requirement for Upper/Okanagan to notify the Commission of the status of the estate and resolution of the award of letters testamentary, as well as the status of new assets, transfer of control, and projected process for a general rate case from August 1, 2025, until November 1, 2025.

13 (4) On July 31, 2025, the former authorized representative filed a request on behalf of the Company to extend the date by which it was required to demonstrate its compliance with Order 01 from August 1, 2025, to November 1, 2025.

14 (5) On August 28, 2025, the Commission, on its own motion, amended Paragraphs 10, 17, and 19 of Order 01 to extend the timeline and requirements for the

⁶ WAC 480-07-875(1)(b).

Company to provide a status update as to the acquisition of any new assets, transfer of control and authority of the Company, and projected process for filing a general rate case from August 1, 2025, until November 1, 2025.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The request by Heather Garland, Owner of Pacific Financial Consulting Services and former authorized representative of Robert J. Pellegrini d/b/a Upper/Okanogan Valley Disposal, filed on July 31, 2025, to extend the deadline for filing its general rate case is DENIED, and the action taken in this Order is on the Commission's own motion.
- 16 (2) Order 01 is amended to reflect that Robert J. Pellegrini d/b/a Upper/Okanogan Valley Disposal shall notify the Commission of the status of the estate and resolution of the award of letters testamentary, as well as the status of new assets, transfer of control, and the projected process for a general rate case, no later than November 1, 2025. All other terms of Order 01 remain in full force and effect.
- 17 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 29, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



BRIAN J. RYBARIK, Chair



ANN E. RENDAHL, Commissioner



MILTON H. DOUMIT, Commissioner