

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

WASHINGTON UTILITIES AND)	DOCKET TG-091764
TRANSPORTATION COMMISSION,)	
)	ORDER 02
Complainant,)	
)	
v.)	
)	
BASIN DISPOSAL OF)	ORDER AUTHORIZING TARIFF
WASHINGTON, LLC, d/b/a BASIN)	FILING; AND GRANTING
DISPOSAL OF WALLA WALLA,)	EXEMPTION FROM WAC 480-70-
G-165)	266, TARIFFS REQUIRING
)	FORTY-FIVE-DAY NOTICE TO
Respondent.)	THE COMMISSION
.....)	

BACKGROUND

- 1 On November 10, 2009, Basin Disposal of Washington, LLC, d/b/a Basin Disposal of Walla Walla (“Basin” or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 13, designated as 37th revised page 1, 8th revised page 15, 9th revised page 20, 8th revised page 20A, 3rd revised page 21, 8th revised page 25, 9th revised page 27, 9th revised page 28, 9th revised page 29 and 9th revised page 29A. On December 11, 2009, Basin filed substitute pages designated as 8th revised page 15, 9th revised page 20, 8th revised page 20A, 3rd revised page 21, 8th revised page 25, 9th revised page 27, 9th revised page 28, 9th revised page 29 and 9th revised page 29A. The purpose of the filing was to increase rates to recover an increase in disposal fees. The stated effective date was January 1, 2010.
- 2 On December 23, 2009, the Commission entered a Complaint and Order Suspending Tariff Revisions pending an investigation to determine whether the proposed rates are fair, just, reasonable and sufficient. The Commission allowed the proposed rates to go into effect on January 1, 2010, on a temporary basis, subject to refund. The order also required the Company to file all documents required for a general rate case as provided in WAC 480-07-520 by March 1, 2010, and directed the Company to not change or alter the tariffs filed in this Docket during the suspension period unless authorized by the Commission.

- 3 Basin filed the documents required for a general rate case on February 24, 2010. Commission Staff has completed its review of Basin's supporting financial documents, books and records. Staff's review shows that the expenses are reasonable and required as part of the Company's operations. Staff's analysis shows the current, temporary rates are too low. The current, temporary rates generate approximately \$84,000 (6.1 percent) in additional annual revenue. Staff and Company agreed to a revised revenue requirement of approximately \$217,000 (15.9 percent). Staff and the Company have also agreed on revised rates.
- 4 In Order 01 issued in this Docket, the Commission ordered Basin to not change or alter the tariffs filed in this Docket during the suspension period, unless authorized by the Commission. Basin requests the Commission authorize it to file revised tariff pages reflecting the revised rates agreed to by Staff and the Company.
- 5 Basin also requests an exemption from WAC 480-70-266, which requires the Company to provide at least 45 days' notice to the Commission of any filing that will result in an increase in rates to customers. Basin requests authorization to file tariff pages with a June 1, 2010, effective date. The purpose of the 45 days' notice requirement is to provide sufficient time for Staff to analyze the filing. In this case, Staff has already completed its analysis and Staff recommends that the Commission grant this request.
- 6 Although Basin used a bill insert, placed in the first bills issued after January 1, 2010, to notify customers of the increases effective January 1, 2010, customers have not received notice of the increases reflected in the revised rates. Basin has advised Staff that, with the requested June 1, 2010, effective date, the Company will be able to comply with the 30 days' customer notice requirements of WAC 480-70-271.
- 7 In summary, Staff recommends that the Commission grant Basin's request for authorization to file revised tariff pages to publish the revised rates agreed to by Staff and Basin, and grant Basin's request for an exemption from WAC 480-70-266 to allow Basin to file the revised tariff pages with a June 1, 2010, effective date. This will allow customers the opportunity to comment on the revised rates before the May 27, 2010, open meeting, when the Commission will consider whether to allow the revised rates to become effective on June 1, 2010.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, 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.*
- 9 (2) Basin is a solid waste company and a public service company subject to Commission jurisdiction.
- 10 (3) This matter came before the Commission at its regularly scheduled meeting on April 29, 2010.
- 11 (4) Order 01 issued in this Docket ordered Basin to not change or alter the tariffs filed in this Docket during the suspension period, unless authorized by the Commission. Basin requests the Commission authorize it to file revised tariff pages that will publish the revised rates agreed to by Staff and the Company.
- 12 (5) Basin is subject to WAC 480-70-266, which requires solid waste companies to provide at least 45 days' notice to the Commission of any filing that will result in an increase in rates to customers. Basin requests an exemption from WAC 480-70-266 to allow it to file the revised tariff pages, on less than statutory notice, with a June 1, 2010, effective date.
- 13 (6) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 14 (7) This matter came before the Commission at its regularly scheduled meeting on April 29, 2010.
- 15 (8) After reviewing the requests filed in Docket TG-091761 by Basin on April 26, 2010, and giving due consideration, the Commission finds that the request for authorization to file revised tariff pages publishing the revised rates agreed to by

Staff and the Company, and the request for an exemption from WAC 480-70-266 to file the revised tariff pages on less than statutory notice with a June 1, 2010, effective date are in the public interest, are consistent with the purposes underlying the regulation and applicable statutes and should be granted. The Commission notes that granting Basin's request for an exemption from WAC 480-70-266 is for tariff filing purposes only and does not reflect any determination as to whether the revised rates will be allowed to become effective.

ORDER

THE COMMISSION ORDERS:

- 16 (1) Basin Disposal of Washington, LLC, d/b/a Basin Disposal of Walla Walla, is authorized to file tariff revisions reflecting the revised rates agreed to by Staff and the Company.
- 17 (2) The Commission grants Basin Disposal of Washington, LLC, d/b/a Basin Disposal of Walla Walla's, request for an exemption from WAC 480-70-266, Tariffs requiring forty-five-day notice to the Commission, to allow Basin to file revised tariff pages on less than statutory notice, with a June 1, 2010, effective date.

DATED at Olympia, Washington, and effective April 29, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner