

MEMORANDUM

April 28, 2004

4/30/04
I agree

TO: Gene Eckhardt, Regulatory Services
Assistant Director, Transportation and Water Section



FROM: Bonnie L. Allen, Regulatory Analyst

SUBJECT: Docket No. TG-040571 Application No. GA-79269
Application for temporary authority to operate a portion of Certificate No. G-237
pending transfer

Torre Refuse and Recycling, LLC
d/b/a Sunshine Disposal & Recycling
2405 N. University Road
Spokane Valley, WA 99206

Discussion

On March 24, 2004, Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling, (Torre) filed Application No. GA-79268 for permanent transfer of a portion of the solid waste authority from Certificate No. G-237, held by Waste Management of Washington, Inc., (Waste Management). The territory to be transferred is solid waste collection service in portions of Spokane and Stevens Counties currently operated by Waste Management of Washington, Inc., under the trade name Waste Management of Addy. The application was published on the Commission's March 29, 2004, application docket subject to protest for 30 days.

On March 24, 2004, Torre also filed Application No. GA-79269, requesting temporary authority to operate pending the Commission's decision on the permanent transfer of authority in Application No. GA-79268.

The company's application originally included a portion of Ferry County. However, in reviewing Waste Management's certificate it was discovered that Waste Management had previously transferred or released its authority in Ferry County, and therefore the requested territory was limited to portions of Stevens and Spokane Counties.

Waste Management is expected close its offices in the area by May 1. Granting this temporary authority to operate pending the Commission's decision in the application for permanent transfer will enable the companies to transition operations as a result of the sale with minimal disruption. By transitioning the service effective May 1st the companies can avoid transferring service to customers during the middle of a billing cycle reducing costs and confusion to that might result from a change of service provider during the middle of the billing cycle.

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Conclusion

Under the provisions of RCW 81.77.110 and WAC 480-70-131, the Commission may, with or without hearing, issue temporary certificates for authority to provide solid waste collection services but only after finding that issuance of the temporary certificate is consistent with the public interest.

When an application for temporary certificate authority is filed in conjunction with a parallel application for permanent authority, the temporary authority remains valid through the last day for seeking judicial review of the order resolving the application for continuing or permanent authority.

Recommendation

Staff believes it is in the public interest for the Commission to grant this application for temporary certificate and to allow Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling, to provide service on a temporary basis to the requested portion of Spokane and Stevens Counties pending a decision in Application No. GA-79268.

1. Application No. GA-79269, for temporary authority to operate a portion of authority currently held by Waste Management of Washington, Inc., in Certificate No. G-237 pending transfer should be granted.
2. Temporary certificate should be issued to Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling, to operate that requested portion of Certificate No. G-237 pending a decision on permanent transfer of authority in Application No. GA-79268.