**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Petition ofExcess Disposal, Inc., dba Excess Disposal ServiceEXCESS DISPOSAL, INC., DBA EXCESS DISPOSAL SERVICE,Excess DisposalPetitioner,Seeking Exemption from the provisions of WAC 480-70-071 Relating to Filing of Annual Reports by Solid Waste Companies. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | ))))))))))) | DOCKET TG-130612TG-130612ORDER 0101ORDER GRANTING EXEMPTION FROM RULE; GRANTING COMPANY ADDITIONAL TIME TO FILE ANNUAL REPORT |

20122013

**BACKGROUND**

1. On April 25, 2013April 25, 2013, Excess Disposal, Inc., dba Excess Disposal Service(Excess Disposal) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2012 annual report as required by [WAC 480-70-071](http://apps.leg.wa.gov/WAC/default.aspx?cite=480-70-071). Excess Disposal paid its regulatory fee on April 29, prior to the May 1 due date in WAC 480-70-076(2). According to Excess Disposal, it needs additional time to file a complete and accurate report. Excess Disposal seeks an extension until June 1, 2013June 1, 2013.
2. Commission Staff reviewed the request and recommended granting Excess Disposal’s request for exemption subject to the condition that Excess Disposal file its annual report no later than June 1, 2013.

**FINDINGS AND CONCLUSIONS**

1. (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](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.01.040), [RCW 81.01](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.01), [RCW 81.04](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.04), [RCW 81.16](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.16), [RCW 81.28](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.28) and [RCW 81.77](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.77).
2. (2) Excess Disposal is a solid waste company and a public service company subject to Commission jurisdiction.
3. (3) Excess Disposal is subject to 480-70-076(2), which requires solid waste companies to pay regulatory fees by May 1 of each year. Excess Disposal paid its regulatory fees on April 29, 2013.
4. (4) Excess Disposal is subject to [WAC 480-70-071](http://apps.leg.wa.gov/WAC/default.aspx?cite=480-70-071), which requires solid waste companies to file an annual report by May 1 of each year.
5. (5) Under [WAC 480-70-071 (1)(c)](http://apps.leg.wa.gov/WAC/default.aspx?cite=480-70-071), the Commission may grant an extension of time allowing the Company to file its annual report after the May 1 due date if the Commission receives a request for extension before May 1.
6. (6) This matter came before the Commission at its regularly scheduled meeting on May 9, 2013May 9, 2013
7. (7) After review of the petition filed in Docket TG-130612 by Excess Disposal on April 25, 2013, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

**O R D E R**

**THE COMMISSION ORDERS:**

1. (1) The request by Excess Disposal, Inc., dba Excess Disposal Service for an exemption from WAC 480-70-071 and for an extension until June 1, 2013, to file its 2012 annual report is granted.
2. (2) Failure by Excess Disposal, Inc., dba Excess Disposal Service to file its 2012 annual report by June 1, 2013, may result in the Commission invoking [RCW 81.04.405](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.04.405), which allows the Commission to assess penalties for violations of statute, rule, and commission orders.
3. (3) The Commission retains jurisdiction over the subject matter and Excess Disposal, Inc., dba Excess Disposal Service to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 9, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary