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7 BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

8 WASHINGTON UTILITIES AND  
9 TRANSPORTATION COMMISSION

Docket No. TG-140560

10 Complainant,

11 vs.

12 WASTE CONTROL, INC.,

13 Respondents.

WRRA JOINDER IN MOTION TO  
ALLOW TEMPORARY RATES,  
SUBJECT TO REFUND, AT  
THE PROPOSED SETTLEMENT  
LEVEL, FILED IN  
OCTOBER, 2014

14 **COMES NOW** Intervenor Washington Refuse and Recycling Association  
15 (WRRA) and respectfully joins in Respondent's Motion to Allow Temporary Rates,  
16 Subject to Refund, at the Proposed Settlement Level, filed in October, 2014, and  
17 in doing so submits the following:

18 **INTEREST OF INTERVENOR IN MOTION:** It certainly is no secret that  
19 WRRA supports Respondent's position in this matter. Nor should it be a surprise  
20 that Intervenor views this action as extremely important, not just for Waste  
21 Control but for the entire regulated solid waste industry in Washington. While it  
22 could be argued that this is a unique situation, it is not, for a variety of reasons,  
23 some of which are readily apparent in the Docket, and some that may not be so  
24 obvious. Whatever the case, this type of situation may well appear again in  
25 another company's seemingly "routine" rate filing. There are precedents to be  
26 established here, and those precedents will be applicable to all regulated haulers,  
not just Waste Control. In short, Intervenor is looking for a way that this case

WRRA Joinder in Motion to Allow  
Temporary Rates, Subject to Refund,  
at the Proposed Settlement Level,  
Filed in October, 2014 - 1

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1 can be helpful, rather than meddlesome and destructive, to both the industry  
2 and the Commission. The whole idea, we believe, is to make the rate making  
3 process (or any other administrative process, for that matter) work better so that  
4 the Commission and the company can better serve the consumer which, after all,  
5 is the ultimate objective of the process itself.

6 **STATUS OF THE DOCKET:** Intervenor is not interested in "assigning  
7 blame" for why this Docket has lingered for so long. Suffice it to say that it has  
8 gone on for far too long, and it is not over yet.<sup>1</sup> The question now is why the  
9 Commission should not order temporary rates (subject to refund) to go into effect  
10 while the remainder of this matter is sorted out.

11 There is no reason under these circumstances that the already agreed  
12 upon temporary rates should not be implemented. There are three "parties" here,  
13 the Commission, the company, and the consumer. All three benefit from an  
14 appropriate rate structure, even if it is temporary. The Commission must ensure  
15 that the rates are fair, reasonable and compensatory. The Company must do the  
16 same, plus be financially and structurally sound so that it can provide the  
17 required regulated service. The consumer/ratepayers must be assured that they  
18 are being treated fairly and are paying a reasonable fee for services received.

19 Here, approval of temporary rates can help assure all three that the  
20 objectives of regulation are being met. Perhaps most importantly, if the  
21 Commission should ultimately decide the temporary rates were inappropriate,  
22 they are "subject to refund." Protections for the consumer would be in place, as  
23 they should be.

24 But, the Commission must always keep in mind that the regulated entity  
25 deserves to be treated fairly and openly as well, particularly in rate filings. If  
26 rates are not compensatory, the entire regulatory system breaks down and simply  
will not work. According to this Motion, Waste Control's current rates are not

<sup>1</sup> Staff itself has previously acknowledged culpability for delays in communication in this case, (see, Ex. MC-1T, page 57), exacerbating procedural disputes. Additionally, its unfortunate and unsuccessful Motion to Strike Supplemental Testimony in November, 2014 has caused months of delay necessitating an extension of the statutory suspension period.

1 compensatory.<sup>2</sup> That is not only a very large problem for the company, but it  
2 should also be a "warning flag" to the Commission. When rate filings go on this  
3 long and are subject to multiple motions and procedural disputes, the system is  
4 subject to failure. No one involved wants that result, but we all must recognize  
5 that it is a very real possibility unless some compromise and common sense finds  
6 its way into this proceeding. The primary parties have shown the ability to  
7 compromise by settling the majority of issues. The next step would be to grant  
8 the company temporary relief.

8 **COMMISSION'S AUTHORITY:** The Motion accurately and rightly argues  
9 that the relief sought is within the Commission's authority to grant. Intervenor  
10 agrees, perhaps for a more basic reason. As Respondent correctly points out,  
11 RCW 81.01.040(1) gives the Commission exceedingly broad authority to act in  
12 accordance with its statutory powers, which are comprehensive in their scope.  
13 There are probably a myriad of reasons why the Commission has not faced a fully  
14 adjudicated rate filing since 1991 when it considered the now famous (or  
15 infamous, depending on one's perspective) "Sno King" cases,<sup>3</sup> but, for better or  
16 worse, this case is active, adjudicated, and open and must be dealt with.

16 The Commission clearly has the authority to hear, and either grant or  
17 deny, this Motion. To do otherwise would contribute to the limbo into which this  
18 seemingly simple rate case has descended, and leave the company with no  
19 remedy at all as it faces what is clearly a serious revenue shortfall.

19 **CONCLUSION/POSITION OF INTERVENOR:**

20 This Motion should be granted, and the seemingly modest, agreed upon  
21 temporary rates should go into effect. The rest of this Docket can, and will, be  
22 decided at a later date. In the meantime, the company should be allowed to  
23 experience compensatory rates which, as always with temporary rates, will be

24  
25 <sup>2</sup> Intervenor has no reason whatever to disbelieve the supporting financial information filed  
with the Motion.

26 <sup>3</sup> *In re WUTC v. Sno-King Garbage and Northwest Garbage Co.*, TG-900657/900658 (Dec.,  
1991)

1 subject to refund. It is difficult, at best, to conceive of a defensible or even  
2 rational argument to the contrary.

3 There are still important issues to be resolved at hearing in this Docket.  
4 Some of these same issues should be taken up in informal stakeholder meetings,  
5 and in formal rulemakings now pending.<sup>4</sup> If anything beneficial can be said to  
6 have come from this protracted process experienced so far, it could well be then  
7 that the misunderstandings and fundamental disagreements generated by this  
8 filing can be addressed and obviated in the future.

9 DATED this 6<sup>th</sup> day of March, 2015.

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12 WSBA No. 6040  
13 Attorney for Washington Refuse and  
14 Recycling Association

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25 <sup>4</sup> Docket No. TG-131255, "Inquiry to Consider Methods for Setting Rates for Solid Waste  
26 Collection Companies Pursuant to WAC 480-70" and Docket No. A-130355 "Rulemaking to  
Consider Possible Corrections and Changes in Rules in WAC 480-07, Relating to Procedural  
Rules."

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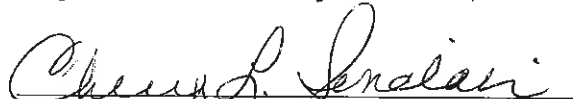
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

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DATED at Silverdale, Washington, this 6th day of March, 2015.

  
Cheryl L. Sinclair