

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

In the Matter of the Petition of)	DOCKET NO. TG-040780
)	
HEARN, WILLIAM D. DBA BINGEN)	ORDER NO. 01
GARBAGE COMPANY,)	
)	
Petitioner,)	
)	
Seeking Exemption from the Provisions)	ORDER GRANTING EXEMPTION
of WAC 480-70-071 Relating to Filing of)	FROM RULE; GRANTING
Annual Reports by Solid Waste)	COMPANY ADDITIONAL TIME
Companies)	TO FILE ANNUAL REPORT
.....)	

BACKGROUND

- 1 On April 29, 2004, Hearn, William D. dba Bingen Garbage Company (Bingen Garbage or the Company) filed with the Commission a petition requesting an extension to file its 2003 annual report as required by WAC 480-70-071. According to the Company, because of their accountant’s workload, the May 1 due date does not allow sufficient time for its accountants to prepare the reports and the owners to review the reports prior to filing. The Company seeks an extension until May 15, 2004.
- 2 Commission Staff reviewed the request and recommended granting Bingen Garbage’s request for exemption, subject to Bingen Garbage filing its 2003 annual report no later than May 15, 2004.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate public service companies, including solid waste companies. *RCW 80.01.040; Chapter 81.04 RCW; Chapter 81.28 RCW and Chapter 81.77 RCW.*

- 4 (2) Bingen Garbage is a solid waste company and is a public service company subject to the jurisdiction of the Commission.
- 5 (3) Bingen Garbage is subject to the provisions of RCW 81.04.080 and WAC 480-70-071 requiring solid waste companies to file an annual report by May 1st of each year.
- 6 (4) WAC 480-70-051 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-70 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes. WAC 480-70-071 (1)(c) provides that the Commission may grant an extension of time allowing the Company to file its annual report after the May 1st due date if the Commission receives a request for extension before May 1st.
- 7 (5) This matter was brought before the Commission at its regularly scheduled meeting on May 12, 2004.
- 8 (6) After review of the petition filed in Docket No. TG-040780 by Bingen Garbage on April 29, 2004, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The exemption sought by Hearn, William D. dba Bingen Garbage Company for an extension until May 15, 2004, to file its 2003 annual report is granted.

- 10 (2) Failure by Hearn, William D. dba Bingen Garbage Company to file its 2003 annual report by May 15, 2004, may result in the Commission invoking provisions of Chapter 81.04 RCW that provide for penalty assessments.
- 11 (3) The Commission retains jurisdiction over the subject matter and Hearn, William D. dba Bingen Garbage Company 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 this 12th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary