BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of) DOCKET TG-090555
POINTS RECYCLING AND REFUSE, LLC,) ORDER 01)
Petitioner,))) ORDER GRANTING EXEMPTION
Seeking Exemption from the provisions of WAC 480-70-071 Relating to Filing of Annual Reports by Solid Waste Companies) FROM RULE; GRANTING) COMPANY ADDITIONAL TIME TO) FILE ANNUAL REPORT)

BACKGROUND

- I On April 20, 2009, Points Recycling and Refuse, LLC (Company) filed with the Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2008 annual report as required by WAC 480-70-071. The Company states that it is unable to prepare the report because it is still in the process of closing its 2008 Financial Reports, and that it is in the middle of preparing substantial Data Requests related to Dockets TG-081089, TG-080913, and TG-082129. The Company seeks an extension until July 1, 2009.
- Commission Staff reviewed the request and believes the request for an extension of time is reasonable, but only to June 1, 2009, not July 1, 2009, as the Company requested.
 Staff recommended granting a portion of the Company's request for exemption, subject to the following condition: The Company must file its annual report no later than June 1, 2009.

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 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.
- 4 (2) Points Recycling and Refuse, LLC, is a solid waste company and a public service company subject to Commission jurisdiction.

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- 5 (3) Points Recycling and Refuse, LLC, is subject to WAC 480-70-071, which requires solid waste companies to file an annual report by May 1 of each year.
- 6 (4) Under WAC 480-70-071 (1)(c), 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.
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on April 30, 2009.
- 8 (6) After reviewing the Company's petition filed in Docket TG-090555 on April 20, 2009, 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 to file its annual report on or before June 1, 2009.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request from Points Recycling and Refuse, LLC, for an exemption from WAC 480-70-071 and for an extension of time until June 1, 2009, to file its 2008 annual report is granted.
- (2) Failure by Points Recycling and Refuse, LLC, to file its 2008 annual report by June 1, 2009, may result in the Commission invoking RCW 81.04.405, which allows the Commission to assess penalties for violations of statute, rule, and commission orders.
- (3) The Commission retains jurisdiction over the subject matter and Points Recycling and Refuse, LLC, to effectuate the provisions of this Order.

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

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DATED at Olympia, Washington, and effective April 30, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary