

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TG-120633
)	
ROBERT L NICHOLS D/B/A B & N)	ORDER 01
SANITARY,)	
)	
Petitioner,)	
)	
Seeking Exemption from the provisions of)	ORDER DENYING EXEMPTION
WAC 480-70-071 Relating to Filing of)	FROM RULE FOR ADDITIONAL
Annual Reports by Solid Waste Companies)	TIME TO FILE ANNUAL REPORT
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BACKGROUND

- 1 On May 2, 2012, Robert L Nichols d/b/a B & N Sanitary (B & N Sanitary or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2011 annual report as required by WAC 480-70-071. B & N Sanitary asked for additional time in its letter to prepare the report in accordance with Commission guidelines. B & N Sanitary seeks an extension until July 1, 2012.
- 2 WAC 480-70-071 states that the Commission may grant an extension of time allowing a company to file its annual report after the May 1 due date if the Commission receives a request for extension before May 1.
- 3 Commission Staff reviewed the request and recommended denying B & N Sanitary’s request for exemption because the Commission did not receive the request prior to May 1.

FINDINGS AND CONCLUSIONS

- 4 (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.

- 5 (2) B & N Sanitary is a solid waste company and a public service company subject to Commission jurisdiction.
- 6 (3) B & N Sanitary is subject to WAC 480-70-071, which requires solid waste companies to file an annual report by May 1 of each year.
- 7 (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.
- 8 (5) This matter came before the Commission at its regularly scheduled meeting on May 31, 2012.
- 9 (6) After review of the petition filed in Docket TG-120633 by B & N Sanitary on May 2, 2012, and giving due consideration, the Commission finds that the exemption is not consistent with the purposes underlying the regulation and applicable statutes and should be denied.

O R D E R

THE COMMISSION ORDERS:

- 10 (1) The request by Robert L Nichols d/b/a B & N Sanitary for an exemption from WAC 480-70-071 and for an extension until July 1, 2012, to file its 2011 annual report is denied.
- 11 (2) Failure by Robert L Nichols d/b/a B & N Sanitary to file its 2011 annual report 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.
- 12 (3) The Commission retains jurisdiction over the subject matter and Robert L Nichols d/b/a B & N Sanitary 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 31, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary