

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TG-130672
	)	
RUBATINO REFUSE REMOVAL, INC.,	)	
	)	ORDER 01
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
.....	)	

**BACKGROUND**

- 1     On May 1, 2013, Rubatino Refuse Removal, Inc. (Rubatino or Company) 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. Rubatino asked for additional time due to an unexpected death in the family of key accounting personnel. Rubatino seeks an extension until May 10, 2013.
  
- 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 Rubatino’s request for exemption because the Commission did not receive the request before 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)    Rubatino is a solid waste company and a public service company subject to Commission jurisdiction.
  
- 6     (3)    Rubatino 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 9, 2013.
- 9 (6) After review of the petition filed in Docket TG-130672 by Rubatino on May 1, 2013, 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 Rubatino Refuse Removal, Inc., for an exemption from WAC 480-70-071 and for an extension until May 10, 2013, to file its 2012 annual report is denied.
- 11 (2) Failure by Rubatino Refuse Removal, Inc., to file its 2012 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 Rubatino Refuse Removal, Inc., 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