BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  WASTE MANAGEMENT OF WASHINGTON, INC. D/B/A WASTE MANAGEMENT OF THE NORTHWEST, WASTE MANAGEMENT OF SEATTLE AND SOUTH SOUND, AND WASTE MANAGEMENT OF  SNO-KING, G-237,  Respondent.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  RABANCO LTD, D/B/A CONTAINER HAULING, EASTSIDE DISPOSAL, RABANCO COMPANIES, RABANCO CONNECTIONS, LYNNWOOD DISPOSAL, ALLIED WASTE SERVICES OF LYNNWOOD, ALLIED WASTE SERVICES OF KLICKITAT COUNTY, TRI-COUNTY DISPOSAL, ALLIED WASTE SERVICES OF KENT & RABANCO COMPANIES, AND SEATAC DISPOSAL (G-12), AND FIORITO ENTERPRISES, INC. & RABANCO COMPANIES D/B/A KENT MERIDIAN DISPOSAL COMPANY (G-60).    Respondent. | DOCKETS TG-120840, TG-120842 and TG-120843  DOCKETS TG-121366, TG-121367, TG-121369, TG-121370 and  TG-121371  DECLARATION OF PENNY INGRAM |

1. I, PENNY INGRAM, under penalty of perjury under the laws of the state of Washington, declare as follows:
2. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
3. I have been employed by the Washington Utilities and Transportation Commission since 1991. Since April 2004, I have held the position of regulatory analyst in the Commission’s Solid Waste, Water, and Transportation Section.
4. I am familiar with the above-referenced dockets, as well as the re-opened Docket TG-010374, as a lead analyst for Commission Staff.
5. In April 2001, the Commission adopted new rules governing the operations of solid waste collection companies in WAC 480-70. WAC 480-70-281 requires all solid waste collection companies to file proposed tariffs on forms available from the Commission or on comparable forms approved by the Commission. In December 2001, in Docket TG-010374, the Commission adopted a tariff template and Item 30 – Limitations of Service, and directed companies to file tariffs using the template. See Attachment A to my Declaration.
6. That Item 30, Limitations of Service, governs interruptions to solid waste collection service, including: Schedules; Due care; Liability for damage; Refusal of service; and, Missed solid waste service due to weather or road conditions. However, the Item 30 tariff template did not contain provisions for missed solid waste service due to a labor disruption.
7. On or about May 18, 2012, the Commission sent a letter to Waste Management of Washington (Waste Management) and Rabanco LTD and Fiorito Enterprises, Inc. (Rabanco). The letter reminded the companies that their tariffs did not address missed services caused by labor disruptions, and advised them to file tariff revisions to address strike-related solid waste service interruptions.
8. Waste Management worked with Commission Staff to craft proposed Item 30 tariff language and filed proposed tariffs in the above-referenced dockets on June 6, 2012, all scheduled to become effective August 1, 2012. The filings added language regarding missed pickups due to labor disputes, union strikes or other employee actions to Item 30 in three of Waste Management’s tariffs.
9. Rabanco also worked with Commission Staff to craft proposed Item 30 tariff language. On August 17, 2012, Rabanco filed tariff revisions to five of its tariffs with the Commission in the above-referenced dockets, with a stated effective date of October 1, 2012. The filings added language regarding missed pickups due to labor union strikes or other employee actions to Item 30 in Rabanco’s five tariffs. Rabanco’s tariff language differs slightly from what Waste Management filed in June 2012. Rabanco added a sentence that states, “In the event of any more prolonged work stoppage, the company may extend credit or otherwise appropriately prorate customer invoices as provided in Item 17, above.”
10. On July 12, 2012, Waste Management, at Commission Staff’s request, postponed the effective date of its three tariffs to September 1, 2012. Staff requested the extension to provide additional time to work with Waste Management and the broader solid waste industry with the goal of developing an industry-wide proposal instead of company-specific proposals.
11. On July 25, 2012, Waste Management employees went on strike. That same day, Waste Management filed a request in the above-referenced dockets that the Commission consider and approve its pending tariff revisions at the July 27, 2012, open meeting. The Commission discussed the pending tariffs at the July 27, open meeting, but took no action on Waste Management’s request.
12. On August 9, 2012, the Commission held a special open meeting in Woodinville to discuss Waste Management’s response to the strike and to hear from the public how the strike impacted customers.
13. On August 21, 2012, in the above-referenced dockets, Waste Management asked the Commission to “. . . approve, on a temporary basis, the Company’s proposed methodology for handling missed collections, while at the same time refraining from an approval about the tariff language itself.”
14. At its August 30, 2012, open meeting, the Commission issued Order 01, Complaint and Order Suspending Tariffs, for Waste Management in dockets TG-120840, TG-120842 and TG-120843.
15. Also at its August 30, 2012, open meeting, at Staff’s recommendation, the Commission reopened Docket TG-010374 to consider whether to amend Item 30 – Limitations of Service in the standard tariff template for solid waste collection companies. In light of the recent garbage strikes and wildfires, the Commission determined that the issue of missed pickups needs to be clarified so affected customers would know what to expect. Reopening the docket would allow the Commission to discuss these issues with the industry in an open forum that would also provide interested persons the opportunity to provide comments. See Attachments B and C to my Declaration.
16. At its September 27, 2012, open meeting, the Commission issued Order 01, Complaint and Order Suspending Tariffs for Rabanco in dockets TG-121366, TG-121367, TG-121369, TG-121370 and TG-121371. In its Order, the Commission referred to the reopening of Docket TG-010374, stating that “the issue of missed pickups needs to be clarified so affected customers and companies know what to expect. The Commission will discuss these issues with the industry and interested stakeholders in an open forum seeking comment on how missed pickups should be handled during labor disputes and in other circumstances in the near future.”
17. On September 28, 2012, in Docket TG-010374, the Commission issued a Notice of Opportunity to Comment and a Notice of Workshop on October 25, 2012. The Commission sought comment from interested persons in response to a series of questions related to amendment of Item 30. See Attachment D to my Declaration.
18. On October 25, 2012, in Docket TG-010374, the Commission held a workshop with stakeholders to discuss proposed amendments to Item 30. After hearing from stakeholders, on March 12, 2013, the Commission issued a Notice of Opportunity to Comment on proposed amendments to Item 30, due by March 29, 2013. See Attachment E to my Declaration.
19. On May 29, 2013, in Docket TG-010374, the Commission held a special open meeting and a workshop with stakeholders and members of the public to consider amendment to Item 30. Commission Staff proposed to add a new section 6 to Item 30 to address missed service due to a labor disruption, to clarify existing rules, to address missed collection service due to natural disaster and government restricting access to local roads, and add definitions for terms used in the proposed rule. Staff provided a summary of, and its response to, stakeholder and customer comments received as of that time. See Attachment F to my Declaration. Also on that date, the Commission issued a Notice of Opportunity to Comment on a draft revision of Item 30, by June 7, 2013. See Attachment G to my Declaration.
20. On June 6, 2013, the Commission issued Notices of Hearing in the above-captioned suspended tariff filings. On June 11, 2013, the Washington Refuse and Recycling Association (WRRA) filed petitions to intervene in both matters. Following a joint request by the parties to submit a paper record for Commission decision, the Commission issued a Notice Revising Procedural Schedule on both matters on June 12, 2013, scheduling a prehearing conference. At the June 14, 2013, prehearing conference, it was reflected on the record that the Commission would let the suspended tariff filings go into effect by operation of law on July 13, 2013, and August 1, 2013, respectively.
21. On July 18, 2013, the Commission held another prehearing conference to address the tariff filings in the above-captioned dockets. The parties agreed upon a procedural schedule whereby the parties would file proposed Item 30 Tariff language regarding missed service in the event of labor disruption, and briefing. At the parties’ request, the Commission took official notice of the record in Docket TG-010374. The Commission granted Rabanco’s unopposed request to take official notice of the record in docket TG-010374.
22. Meanwhile, in Docket TG-010374, Commission Staff continued to work with the solid waste industry in an effort to reach consensus on proposed changes to the Item 30 tariff template. The matter came before the Commission at its June 13, 2013, open meeting. Commission Staff recommended that the Commission approve amendments to Item 30. Commission Staff recommended that the Commission add a new section 6 to Item 30 to address missed service due to a labor disruption. Commission Staff also proposed edits to clarify existing rules and address missed collection service due to natural disaster and government restricting access to local roads. See Attachment H to my Declaration. Rabanco and Waste Management filed written comments prior to the open meeting, and representatives from both companies, the industry, and Commission Staff commented at the open meeting and answered questions from the Commissioners. Although the companies agreed with many of the proposed amendments, the companies disagreed with other material amendments, such as a three-day bright-line requirement for restoration of regular service to affected customers in the event of a labor disruption. The Commission took no action on TG-010374 at the Open Meeting.
23. Docket TG-010374 came before the Commission at its July 26, 2013, open meeting. Commission Staff recommended that the Commission adopt changes to the Tariff Template, Item 30, for service interruption because of unsafe weather conditions, road conditions, natural disasters, or when government authority restricts access to local roads. In its Order 02, the Commission approved the revised Tariff Template, and required all solid waste collection companies to make a tariff filing, to become effective no later than November 1, 2013, that includes the approved language. The Commission’s Order 02 noted that resulting revisions are the “thoughtful expression of the many meetings Commission Staff and stakeholders have held and Staff’s careful consideration of filed comments. See Attachment I to my Declaration. The Tariff Template approved by the Commission does not include provisions regarding missed service due to a labor disruption.
24. Commission Staff is filing in the above-captioned dockets proposed tariff language for Item 30 specifically regarding missed service due to a labor disruption (Staff’s Proposal), in conjunction with my Declaration, consistent with the Prehearing Conference Order in these dockets. Commission Staff’s Proposal is the result of extensive collaboration with the industry as I have described above. Commission Staff believes its proposal is fair, just, reasonable, and in the public interest, and recommends the Commission require the companies to adopt the revised tariff language in Staff’s Proposal

DATED and SIGNED at Olympia, Washington, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

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