

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-140560
TRANSPORTATION)	
COMMISSION,)	
)	ORDER 01
Complainant,)	
)	
v.)	COMPLAINT AND ORDER
)	SUSPENDING TARIFF; AND,
WASTE CONTROL INC. , G-101)	ALLOWING RATES TO
)	CONTINUE ON A TEMPORARY
Respondent.)	BASIS, SUBJECT TO REFUND
.....)	

BACKGROUND

1 On March 25, 2014, the Washington Utilities and Transportation Commission (Commission) entered Order 05 – Initial Order Granting Motion to Dismiss and Rejecting Tariff Filing in Docket TG-131794. While the Order dismissed Waste Control, Inc.’s (Waste Control or the Company) filing, the Commission did not require the Company to refund the temporary disposal rates it had been collecting since December 1, 2013, so long as:

- Waste Control re-filed its rate request within ten business days from the effective date of Order 05, and
- The new rate filing contained the same temporary disposal fee request.¹

2 On April 4, 2014, Waste Control re-filed its rate request and included the request for the recovery of increased disposal fees, which the Commission designated as Docket TG-140560. The Company’s new Tariff No. 16 would generate approximately \$532,000 (15.4 percent) additional annual revenue. Waste Control states that many of its costs have increased; most notably, Cowlitz County Commissioners increased their fees for dumping in the Cowlitz County Transfer Station by 31 percent. The

¹ RCW 81.77.160 requires the Commission to allow rates related to increased disposal fees to become effective on the originally filed effective date on a temporary basis, subject to refund, pending the Commission’s final order.

Company requests the Commission issue a complaint and order of suspension, as quickly as possible, outside of the Commission's Open Meeting process. The stated effective date is June 1, 2014.

DISCUSSION

- 3 Waste Control has not demonstrated that the increase would result in rates that are fair, just, reasonable and sufficient. Thus, the Commission suspends the tariff filing for further proceedings to determine whether the proposed increase is fair, just, reasonable, and sufficient. The Company complied with the filing requirements in Order 05 in Docket TG-131794, and Waste Control will be allowed to continue to recover the rates related to the increased disposal fees on a temporary basis, subject to refund, pending the Commission's final order.

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 rates, regulations, practices, accounts, and affiliated interests of public service companies, including solid waste companies.
- 5 (2) Waste Control, Inc., is a solid waste company and a public service company subject to Commission jurisdiction.
- 6 (3) On March 25, 2014, the Commission dismissed Waste Control's tariff filing in Docket TG-131794 and conditionally agreed to allow the Company to continue to collect rates related to increased disposal fees if Waste Control re-filed its rate request in a new docket within ten business days and included the original disposal fee request.
- 7 (4) On April 4, 2014, Waste Control re-filed its rate request including the original request for recovery of increased disposal fees.
- 8 (5) If the Commission suspends a tariff that includes rates to recover disposal fees, RCW 81.77.160 requires the Commission to allow the rates related to the

disposal fees to become effective on the originally filed effective date on an interim basis, subject to refund, pending the Commission's final order.

- 9 (6) The tariff revisions Waste Control filed on April 4, 2014, would increase rates for solid waste service provided by the Company.
- 10 (7) As required by RCW 81.77.160, the Commission allows the rates related to the disposal fees to continue in effect on an interim basis, subject to refund, pending the Commission's final order.
- 11 (8) Waste Control has not yet demonstrated that the tariff revisions would result in rates that are fair, just, reasonable, and sufficient.
- 12 (9) To determine whether the tariff revisions would result in rates that are fair, just, and reasonable, the Commission should investigate Waste Control's books, accounts, practices and activities, and should investigate and appraise various phases of the Company's operations.
- 13 (10) Waste Control bears the burden of proof to show that the proposed increases are fair, just, reasonable and sufficient. Nothing in this Order is intended to limit the issues as to the fairness, justness, reasonableness, and sufficiency of the proposed increases.

O R D E R

THE COMMISSION ORDERS:

- 14 (1) The tariff revisions filed by Waste Control, Inc. on April 4, 2014, are suspended.
- 15 (2) The rates related to increased disposal fees requested by Waste Control shall continue in effect on a temporary basis, subject to refund, pending the Commission final order.
- 16 (3) The Commission will hold hearings at such times and places as may be required.

- 17 (4) Waste Control must not change or alter the tariffs filed in this docket during the suspension period, unless authorized by the Commission.
- 18 (5) The Commission will institute an investigation of Waste Control's books, accounts, practices, activities, and operations as described above.

DATED at Olympia, Washington, and effective April 10, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

JEFFREY D. GOLTZ, Commissioner