

APPENDIX A

Washington UTC Complaint

105620

Company: RABANCO LTD M7784

Customer: Account#

Troy Webster

Contact:

174 Tunnel Rd

White Salmon, WA 98672

Primary Phone: (509) 637-0356

Complaint: 105620

Serviced by: John Cupp

Opened on: 02/04/2009

Grouped by: Refusal Of Service

Closed on: 02/11/2009

Disposition: Consumer upheld

Description:



Customer says he receives every-other-week service. Mr said he asked for weekly service, but was told weekly service is not available where he lives.

Allied, is weekly service available to this customer? If not, please explain why and provide a reference to the section of the company's tariff that limits this customer to every-other-week service.

(passed via e-mail to Shirley.Jagelski@awin.com, 2/4/09, 9:51)

Results:

The company responded to this complaint, explaining that the company refused to drive 16 miles round trip every week, just to service one customer. Staff pointed out that the company's tariff did not provide an option to serve this customer every-other-week, and noted a WAC violation for providing and charging for a service that was not in the company's tariff. The company refused no longer, and agreed to service this account every week, per the company's tariff.

Activity:

Activity Links

*** 02/05/2009 01:16 PM Email: Cupp, John (UTC) << Shirley Jagelski



Dear John,

Troy did call me and ask to have weekly service. I explained to him that the route he is on is an established every other week route and that we can not send a truck 16 miles round trip, to service one account weekly. It is very rural area and it does not justify us to change the route for the amount of customers we have in that area. It is not a situation that we go into his area weekly and I refuse to give him every week service. He signed up for service knowing that it was an every other week service area. There have not been any surprises, we didn't all of a sudden change his route or change something he did not sign up for.

We do allow three cans every other week for the one can per week rate, so all of our every other week customers have good service. Our tariff # is G-12, his rate is the established rate on "ITEM 100, ORIGINAL Page 23", of \$10.65 for one can per week, and he is allowed three 32 gallon cans every other week for that rate.

I hope this helps. If you have any other questions please contact me.

Shirley Jagelski
Office Supervisor
Allied Waste Services of Klickitat Co
Washington Division 487
HYPERLINK "mailto:shirley.jagelski@awin.com"shirley.jagelski@awin.com
509-773-5825
509-773-6412 fax

*** 02/06/2009 08:06 AM Email: Cupp, John (UTC) >> Shirley Jagelski



Shirley,

I understand that driving 16 miles per week to service one customer may not be an attractive option to the company. I don't see an option for every-other-week service in the company's tariff, so I don't think the company can limit the customer to every-other-week service. If there is a geographic boundary where a level of service becomes unavailable, that boundary should be defined in the company's tariff.

The company must provide only services listed in its tariff. The Washington Administrative Code (WAC) 480-70-236, says, "...all companies must file tariffs and must comply with the provisions of filed tariffs." Subsection (3) of this WAC says, "No company may accept a payment for service that is higher, lower, or different from the rates and charges contained in its approved tariff." I recorded one violation of WAC 480-70-236(3).

Having said all that, based on what the customer told me, the situation may not be as bad as driving 16 miles round trip for one account. Mr Webster told me he has neighbors who would also like weekly service. He also said the company told him the option for weekly service stops at a certain landmark (I can't remember what it was, perhaps a certain church). He said the landmark is a mile or two from his house.

Please contact me if you want to discuss these findings, or the WAC violation.

Thank you,
John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 02/06/2009 10:58 AM Email: Cupp, John (UTC) << Shirley Jagelski



Dear John,

My supervisor has told me to change this customers account. I will add him to the every week service. I will send out a letter today letting him know that. His regular service day would have been Monday the 9th so we will start the every week service as of this coming Monday, the 9th. He is currently paying for a one can a week rate. As an every week customer he will only be allowed one 32 gal can per week, and any thing else he sits out will be charged as extras. Thank you for your help in this situation. We truly want to give the best service possible to all of our customers.

Sincerely,

*** 02/11/2009 11:07 AM Phone: John Cupp >> Customer



I told Mr the company originally told me it refused to provide him with weekly service, but I pointed out that there is no option for every-other-week service in the company's tariff, and the company agreed to pick up his garbage on a weekly basis. Mr asked when the new schedule would be effective. I told him it is effective immediately. I told him the company said his pickup day was Monday, the 9th, and will be every Monday after that. Mr said he will call the company to make sure it tells him the same thing. I asked him to call me if the company tells him anything that conflicts with what I just told him. I told him I am closing this complaint, but I will reopen it if necessary.

*** 02/11/2009 12:28 PM Email: Cupp, John (UTC) >> Shirley Jagelski



Hi Shirley,

I know you want to give your customers the best service possible. I spoke with Mr Webster this morning, and he said he would call you with some questions.

I hope this situation works out okay for the company.

Thank you for working with me. Let's close the complaint.

John Cupp
Utilities and Transportation Commission
(360) 664-1113

This complaint is now closed. Please note that the Consumer Protection section has an internal quality review program and all closed complaints are subject to possible review and/or re-opening.

*** 02/11/2009 12:36 PM Email: Cupp, John (UTC) << Shirley Jagelski



Dear John,

Yes I agree, and truthfully those of us in this office and most of the drivers are glad that this happened. It got others attention. We are now changing out all of the every other week accounts to weekly. It will simplify how we have to report numbers, etc. Just a little tidbit, one of our drivers used to work for Bill Hearn's (Bingen Garbage), who is a competitor in parts of our county, and this Mr. Webster is a close relative of his. Of course we don't know if there was any thing going on there or not, but I have gotten a good laugh that the complaint is cleaning up accounts and actually really helping us. I did send out that letter the same day and left a message on Mr. Webster's phone to call me so I could tell him personally. He has not returned my call.

Well, it has been nice working with you and you have a great day! sj

*** 02/23/2009 09:16 AM Email: Cupp, John (UTC) << Shirley Jagelski



Dear John,

As per the UTC's instructions we are correcting our violations by changing all of our every other week routes to weekly. The letters went out Friday and we have already had our first very angry customer saying he does not want weekly service. Do you want me to direct these calls directly to you, and if so what

phone number do you want me to give them? sj

Shirley Jagelski
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*** 02/24/2009 07:55 AM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Hi Shirley,

I don't think it is appropriate for the company to send these callers to the UTC without first explaining the situation. I think the company needs to explain that the company's tariff does not allow it to provide services not listed in its tariff. The UTC's job is to make sure the company charges and provides services as stated in its tariff.

If the company believes it will benefit these customers by directing them to the UTC, the proper number is 1-888-333-9882 (toll-free). I will alert staff that we may receive calls on this topic. Staff will explain that the company was not authorized to provide every-other-week service, and that in order to do so, the company must file to add the service to its tariff. Staff will direct customers back to the company if they wish to request every-other-week service.

Thank you,

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 02/24/2009 08:24 AM Email: Cupp, John (UTC) << Shirley Jagelski



Good Morning John,

I would not just direct them with out an explanation first. We did explain that we found we were in violation with the tariff and that all of our every other week accounts in the whole county were being changed, not just his area. He was just one of those people who were mad and wanted to talk to someone in charge of making this decision. We are extremely polite when we are getting these calls, and try to explain gently, but some people as you know in your job, just won't take no for an answer. He wanted our contact person's name in the UTC and we told him we were sorry he would need to call the customer service number, which we then supplied. I am sorry if my message to you sounded curt, it was not intended that way at all. I am just a little stressed getting all of this change over done. Maybe jumping the gun and a little bit worried about getting many more of the angry type of calls after getting that one early in the day. We probably had 75 calls yesterday and very few people were upset at all, and none as angry as the customer who I emailed about, they just wanted to make sure they understood correctly.

Actually, my thought process was I am not sure of how your offices are set up and who gets what customer service calls. For instance do all of Klickitat county calls go to you? I just thought if we could direct any upset customers to the right person with the first call, it would help them get processed faster. After all of my stress about getting mass upset customer calls, it was

all a storm in a teacup and people have been very calm about the change. So far there have been only three customers that have long driveways or it too much hassle to take it down every week and they closed their account and will take it themselves to the Transfer Station, and only 6 so far that have upped their service by one can a week.

*** 02/24/2009 09:28 AM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Shirley,

Our toll-free number (1-888-333-9882) rings in our Consumer Protection section. We currently have nine staff who take calls from all counties and all regulated industries.

If a person is really angry, and you think it would help for me to talk to him or her, please feel free to give him our toll-free number and my name.

Your customer service representatives have probably explained this, but a customer with two can weekly service would only pay about four more dollars per month than a one can weekly customer. Customers could go to two can service and only take the garbage out every other week. They would still have the right to weekly service, but it would be the customer's decision to not use the service every week. (I don't know if I explained that very well. Please let me know if I didn't)

I will be happy to help if I can. Please let me know how.

Thank you,
John Cupp

*** 02/24/2009 09:32 AM Email: Cupp, John (UTC) << Shirley Jagelski



RThanks John, it is just Patty & me in this office and yes we have explained that to some customers. People that recycle a lot are doing just that already. Again thanks for your help. sj

*** 03/19/2009 01:11 PM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Shirley,

All of our complaints are subject to review. This one was reviewed, and I have been asked to follow up.

Can you tell me exactly how many customers were receiving every-other-week service? I know you said at one point that the company had received about 75 calls from affected customers.

Thank you,

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/19/2009 01:22 PM Email: Cupp, John (UTC) << Shirley Jagelski



John,

Actually not 75 complaints, there were very few complaints of the change. Out of the 622 accounts that were changed, 99.9% of the calls we received after the change were just customers wanting to verify what their current service was and what it was changing to or asking if recycle was included in the change. I only had ten customers who actually closed their accounts and some of them told me that there were already considering hauling their own because of finances or not having enough trash to warrant their current service. I tried to keep pretty good track just to see how much this big of a change would effect our customers. There were a few grumblers, but there always are. I feel that over all, with that big of a change, that things have gone very smoothly and we will be able to give even better service than our already high standard that we had. Hope this helps! sj

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*** 03/19/2009 02:26 PM Email: Cupp, John (UTC) >> Shirley Jagelski



Shirley,

If I understand correctly, there were 622 customers who were billed for weekly service but provided every-other-week pickups? For exactly how long did this take place?

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/19/2009 02:38 PM Email: Cupp, John (UTC) << Shirley Jagelski



John,

I am not sure, but I can ask. It was something that Ty Ross started way back when he started the company. Those customers that were receiving service every other week were allowed to set out 3 cans of trash for the one can per week rate, 6 cans for the two can per week rate, etc. So the customers were getting at least two free cans more per month than the rate they were paying. sj

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*** 03/19/2009 02:54 PM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Thank you, Shirley. I would appreciate it if you could find out and let me know.

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/19/2009 03:17 PM Email: Cupp, John (UTC) << Shirley Jagelski



John,

Ok, I called Ty Ross who originally started Tri-County Disposal and then was bought out. He said that the UTC suggested he start the every other week service so he could service a larger area of the county, because he was only doing the Goldendale area. He said it was about 1975 or 1976 when Carl Teel wasn't able to service some of his accounts and he bought him out, and that there were customers out in Glenwood and Bickleton that did not have any service and the UTC suggested the every other week service for those out lying areas, so that's what he did.

*** 03/19/2009 04:30 PM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Shirley,

I need to note WAC violations in the complaint. It's important that I know how many customers were billed or provided service improperly, and for how many billing periods.

Thanks,

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/25/2009 12:18 PM Email: Cupp, John (UTC) << Shirley Jagelski



Good Afternoon John,

I am going through my email to thin the list down a little, are we done with this issue or is there more residue to follow? I just kinda need to know if I need to do more followup or is the issue actually closed? Mr. Webster is late paying his bill now, and it makes me nervous to even do an A/R call. I just want to know that any problems are taken care of and I can treat him like any other customer, and do my job. sj

Shirley Jagelski
Office Supervisor
Allied Waste Services of Klickitat Co
Washington Division 487

*** 03/25/2009 01:12 PM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Shirley,

As far as Troy Webster is concerned, his complaint is closed and if his account is delinquent you should not hesitate to handle it as you would with any delinquent account.

Regarding my follow up on the number of customers who received every-other-week service, and the length of time they received the service, I still don't have the answers I'm looking for. I believe you said 622 customer were changed. If this is the number of EOW customers that should have received weekly service, then I have one of my answers. As far as how long the customers received EOW service, I just need to know how long Allied Waste provided every-other-week service to these customers, not the company that Allied bought.

Thank you,

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/25/2009 01:24 PM Email: Cupp, John (UTC) << Shirley Jagelski



Allied bought Tri-County Disposal on 7-1-1998. sj

Shirley Jagelski
Office Supervisor
Allied Waste Services of Klickitat Co
Washington Division 487

*** 03/27/2009 08:11 AM Email: Cupp, John (UTC) >> 'Shirley Jagelski'



Shirley,

Based on the information you sent, 622 customers were provided service that was not listed in the company's tariff, for 140 months. I counted through February 2009, as it appears the problem has been corrected.

In Mr Webster's complaint, I recorded a violation of WAC 480-70-236(3). I should have noted subsection (1) of the rule. I have rescinded the violation of subsection (3).

I am recording a violation for each of the 140 months that 622 customers were provided every-other-week service, which was not in the company's tariff. This amounts to 87,080 violations of WAC 480-70-263(1). This number includes violations noted on behalf of Mr. Webster.

I am bringing this issue to the attention of my supervisors and our Compliance Investigations team.

Please let me know if you have questions. Mr. Webster's complaint remains closed.

Thank you,
John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/27/2009 08:41 AM Phone: John Cupp << Matt Henry, General Manager of Operations for Klickitat County, Allied Waste



Mr Henry wanted to point out that the customers who received every-other-week

service were allowed to put out three cans for each pickup. I told him that I was aware of this, and that it is noted in the complaint text. He said he had to hire another driver in order to provide weekly service. He also said the actual number of customers was not 622 because some of those customers are commercial accounts, and every-other-week service is in the commercial section of the tariff.

Mr. Henry asked what action the commission will take next. I told him he should expect a letter, and there may be more questions, but I have no idea what action, or if any action will be taken.

Mr. Henry stated that he has heard from customers that they are unhappy with weekly service. I asked if the company intends to add every-other-week service to its tariff. He said there is no current plan to do so, but maybe in the future if the company files for rates.

*** 03/27/2009 08:58 AM Violation: 480-70-236(1) -



Violations recorded for providing service that is not in the company's tariff.

The company provided every-other-week service to 622 customers for 140 months (from July 1998 through February 2009). One violation recorded for not complying with the tariff, for each month that each customer was provided every-other week service.

WAC 480-70-236 say a company must comply with the provisions of its approved tariff. The company did not have an approved tariff for every-other-week service.

NOTE:

The company gave more detailed information. The number of violations was recalculated on 4/2/09, based on 530 customers rather than 620. The original number of violations was 87,080

*** 03/27/2009 10:13 AM Email: Cupp, John (UTC) >> Matthew Henry



Mr. Henry:

In our conversation this morning, you said 622 customers may not be an accurate number. Please let me know if you have a more accurate number and I will make sure the complaint record reflects that number.

Thank you,

John Cupp
Utilities and Transportation Commission
(360) 664-1113

*** 03/27/2009 02:17 PM Email: Cupp, John (UTC) << Matthew Henry



622 was our hand count of letters that were sent to customers that were on every other week service. Apparently there were some duplicate letters or miscounts. Our records show that as of January 31, 2009 we had 591 customers on every other week service. Of this total 61 customers had dumpsters for which we have an established every other week rate. We had 530 residential customers receiving every other week service on January 31, 2009. That does not mean that there were 530 residential customers for the entire 140-month period in question. Determining that number would be very difficult. If you

have questions or need additional information, please let me know. Thanks. mih

Matt Henry
Allied Waste - Roosevelt Regional Landfill
Phone - 509-384-5641
Fax - 509-384-5881
Mobile -509-727-1488

***** 04/09/2009 09:19 AM Action: Anna Gill**



Consumer survey returned - No Mail Receptacle

***** 07/01/2009 01:29 PM Letter: Carlene Hughes >> Allied Waste**



Compliance letter

APPENDIX B

**RECEIVED OCT. 16, 2007 WA. UT. & TRANS. COMM. ORIGINAL TG-072041
SUB 11/16/07**

Tariff No. <u>8</u>		Original Page No. 21							
Company Name/Permit Number: Rabanco LTD & Rabanco Recycling, Inc. G-12									
Registered Trade Name(s) Allied Waste Services of Klickitat County, Tri-County Disposal									
Item 100 -- Residential Service -- Monthly Rates (continued on next page)									
Rates in this item apply:									
<p>(1) To solid waste collection, curbside recycling (where noted) and yardwaste services (where noted) for residential property. This includes single family dwellings, duplexes, apartments, mobile homes, condominiums, etc., where service is billed directly to the occupant of each residential unit, and/or</p> <p>(2) When required by a local government service level ordinance, solid waste collection, curbside recycling, and yardwaste service must be provided for single-family dwellings, duplexes, mobile homes, condominiums, and apartment buildings of less than 4 residential units, where service is billed to the property owner or manager.</p>									
Rates below apply in the following service area: CITY OF GOLDENDALE									
Number of Units or Type of Containers	Frequency of Service	Garbage Service Rate							
1 Can	WG	\$10.65(A)							
2 Can	WG	\$14.14(A)							
3 Can	WG	\$17.44(A)							
4 Can	WG	\$20.90(A)							
5 Can	WG	\$25.30(A)							
6 Can	WG	\$29.70(A)							
1 Can	MG	\$5.00(A)							
<p>Frequency of Service Codes: WG=Weekly Garbage; EOWG=Every Other Week Garbage; MG=Monthly Garbage; WR=Weekly Recycling EOWR=Every Other Week Recycling; MR=Monthly Recycling; List others used by company:</p> <p>Note 1: Description/rules related to recycling program are shown on page n/a. Note 2: Description/rules related to yardwaste program are shown on page n/a. Note 3: In addition to the recycling rates shown above, a recycling debit/credit of \$ _____ applies.</p> <p align="center">(Notes for this Item are continued on next page)</p> <p align="right">Recycling service rates on this page expire on: n/a</p>									
Issued By: Mark E. Gregg, District Service Analyst									
Issue Date: October 16, 2007					Effective Date: December 1, 2007				
(For Official Use Only)									
Docket No. TG- _____ Date: _____ By: _____									

FOR OFFICIAL USE ONLY
Docket: TG-072041
Dismissed Suspended Tariff Revisions; Allowed Tariff Revisions per Order 02 TG-072041
Agenda Date: Dec. 27, 2007
Effective Date: Jan. 1, 2008 (Permanent)

**RECEIVED OCT. 16, 2007 WA. UT. & TRANS. COMM. ORIGINAL TG-072041
SUB 11/16/07**

Tariff No. 8 Original Page No. 22

Company Name/Permit Number Rabanco LTD & Rabanco Recycling, Inc. G-12
Registered Trade Name(s) Allied Waste Services of Klickitat County, Tri-County Disposal

Item 100 -- Residential Service -- Monthly Rates (continued from previous page)

Note 4: Customers will be charged for service requested even if fewer units are picked up on a particular trip. No credit will be given for partially filled cans. No credit will be given if customer fails to set receptacles out for collection.

Note 5: For customers on automated service routes: The company will assess roll-out charges where, due to circumstances outside the control of the driver, the driver is required to move an automated cart or toter more than _____ feet in order to reach the truck. The charge for this roll-out service is: \$ n/a per cart or toter, per pickup.

Note 6: The charge for an occasional extra residential bag, can, unit, toter, mini-can, or micro-mini-can on a regular pickup is:

Type of receptacle	Rate per receptacle per pickup
32-gallon can or unit	\$2.25(A)
Mini-can	
Micro-minican	
60-gallon toter	
90-gallon toter	
Bag	\$2.25(A)

Note 7: Customers may request no more than one pickup per month, on an "on call" basis, at \$5.00(A) per can/unit. Service will be rendered on the normal scheduled pickup day for the area in which the customer resides. Note: If customer requires service to be provided on other than normal scheduled pickup day, rates for special pickups will apply.

Issued By: Mark E. Gregg, District Service Analyst

Issue Date: October 16, 2007

Effective Date: December 1, 2007

(For Official Use Only)

FOR OFFICIAL USE ONLY

Docket No. TG-

*Dismissed Suspended Tariff Revisions; Allowed Tariff Revisions per Order 02 TG-072041
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SUB 11/16/07**

Tariff No. <u>8</u>	Original Page No. 23								
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Tariff No. 8

Original Page No. 24

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Registered Trade Name(s) Allied Waste Services of Klickitat County, Tri-County Disposal

Item 100 -- Residential Service -- Monthly Rates (continued from previous page)

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Mini-can	
Micro-minican	
60-gallon toter	
90-gallon toter	
Bag	\$2.25(A)

Note 7: Customers may request no more than one pickup per month, on an "on call" basis, at \$5.00(A) per can/unit. Service will be rendered on the normal scheduled pickup day for the area in which the customer resides. Note: If customer requires service to be provided on other than normal scheduled pickup day, rates for special pickups will apply.

Issued By: Mark E. Gregg, District Service Analyst

Issue Date: October 16, 2007

Effective Date: December 1, 2007

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Docket No. TG

Date:

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Docket: TG-072041
Dismissed Suspended Tariff Revisions; Allowed Tariff Revisions per Order 02 TG-072041
Agenda Date: Dec. 27, 2007
Effective Date: Jan. 1, 2008 (Permanent)