

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Delegation of Authority to the Secretary of the Commission Pursuant to RCW 80.01.030) DOCKET A-042090
)
) ORDER 04
)
) ORDER MODIFYING ORDER 03
) AND CLARIFYING
) APPLICABILITY TO SOLID WASTE
.....) COMPANIES

BACKGROUND

- 1 On April 27, 2005, the Washington Utilities and Transportation Commission (Commission) issued Order 02 in this docket, delegating authority to the Commission Secretary, pursuant to RCW 80.01.030, to order temporary fuel surcharges for auto transportation companies, commercial ferries, and household goods companies and prescribing the procedures and requirements for such surcharges. Although they were not included in Order 02, the Commission applied similar procedures and requirements for solid waste companies seeking temporary fuel surcharges.
- 2 On October 1, 2010, the Commission issued Order 03, which rescinds Order 02 effective January 31, 2011. The Commission also initiated an inquiry to determine whether and how to permit these companies to impose temporary fuel charges after Order 02 is no longer in effect.
- 3 On January 20, 2011, the Commission conducted a duly noticed open meeting to consider requests to modify Order 03. In comments received both before and during the meeting, interested parties requested that the Commission permit Order 02 to remain in effect, either indefinitely or for a period of time beyond January 31, 2011, sufficient to enable interested parties and Commission Staff to address the issues. Representatives of the solid waste industry further requested that the Commission clarify that the procedures and requirements for temporary fuel surcharges applicable to those companies also continue to remain in effect. In addition, some industry representatives and Commission Staff made other proposals to modify or replace the existing fuel surcharge mechanism, and several interested parties commented that they could not adequately review and analyze proposals presented for the first time at the meeting, particularly Staff’s fuel surcharge proposal.

DECISION

- 4 The Commission finds the issue of fuel surcharges to be sufficiently important and complex that further consideration is warranted before the Commission decides whether and how such surcharges should be processed and authorized. Specifically, Commission Staff should have the opportunity to develop its fuel surcharge proposal more fully, and interested parties should have a reasonable period of time to review and comment on that proposal. The Commission also finds it reasonable to leave Order 02 in place for an additional 90 days pending such additional consideration.
- 5 The Commission further finds that solid waste companies should continue to be able to file for temporary fuel surcharges under the procedures and requirements currently applicable to those companies for as long as Order 02 remains in effect.

ORDER

THE COMMISSION ORDERS:

- 6 (1) Paragraph 14 in Order 03 is modified to extend the effective date for rescission of Order 02 to May 2, 2011.
- 7 (2) The current procedures and requirements for authorizing temporary fuel surcharges for solid waste companies will remain in effect as long as Order 02 remains in effect.

DATED at Olympia, Washington, and effective January 25, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner