

[Service Date November 19, 2010]

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-101639
	)	
	)	
Complainant,	)	COMPLAINT FOR
	)	CANCELLATION OF
v.	)	CERTIFICATE OF PUBLIC
	)	CONVENIENCE AND NECESSITY
TRASHBUSTERS OF WASHINGTON STATE, LLC	)	FOR FAILURE TO PAY
	)	REGULATORY FEES AND
	)	FAILURE TO FILE ANNUAL
Respondent.	)	REPORT; and
	)	
	)	NOTICE OF HEARING
	)	<b>(Set for February 2, 2011,</b>
	)	<b>at 1:30 p.m.)</b>
.....	)	

*1 Synopsis: The Commission seeks cancellation of the certificate of public convenience and necessity of solid waste collection companies that have failed to pay regulatory fees as required by RCW 81.24.010 and failed to file an annual report as required by RCW 81.04.080.*

*2 Proceeding: Solid waste collection companies operating in Washington state are required to file annual reports setting forth company operations during the preceding year. In addition, these solid waste collection companies must pay annual regulatory fees to the Washington Utilities and Transportation Commission (Commission). Annual reports and regulatory fees are due on or before May 1.*

*3 The staff of the Commission (Staff)<sup>1</sup> sends annual report forms in the spring to all solid waste collection companies registered with the Commission. Accordingly, Staff*

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<sup>1</sup> In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See, RCW 34.05.455.

mailed a forms packet to the address on record with the Commission for each certificated company, including the company named in this complaint, Trashbusters of Washington State, LLC (Trashbusters). A search of Commission records indicates that Trashbusters did not comply with requirements for paying the annual regulatory fee and reporting requirements. Consequently, Staff asks the Commission to issue this complaint seeking cancellation of Trashbusters' certificate of public convenience and necessity for failure to pay regulatory fees or file an annual report.

### I. COMPLAINT

4 The Commission on its own motion, and through its Staff, alleges as follows:

5 Every public service company operating in Washington state is required to file an annual report that sets forth the company's operations during the preceding year. *RCW 81.04.080.*

6 In addition, every public service company subject to regulation by the Commission must pay a regulatory fee each year on or before the date specified by the Commission. *RCW 81.24.010.*

7 The term "public service company" includes every solid waste collection company. *RCW 81.04.010.*

8 Commission rules require all solid waste collection companies to file annual reports and pay regulatory fees by May 1. *WAC 480-70-071; WAC 480-70-076.*

9 The Commission may cancel the certificate of public convenience and necessity of a solid waste collection company for failure to file an annual report or pay regulatory fees. *WAC 480-70-161.*

10 Staff conducted its yearly compliance review of annual report and regulatory fee filings for solid waste collection companies certificated with the Commission. This review generated a list of only one company that has failed to pay regulatory fees for 2010 or failed to submit annual reports for 2009.

11 Trashbusters is a public service company as defined in RCW 81.04.010. Trashbusters provides solid waste collection services in the state of Washington for compensation and is certificated under RCW 81.77 and WAC 480-70. From the Commission's files

and records, it appears that Trashbusters failed to pay the required 2010 regulatory fee and file its annual report due on May 1, 2010.

## II. REQUEST FOR RELIEF

- 12 Staff asks the Commission to find that Trashbusters failed to comply with RCW 81.24.010, RCW 81.04.080, and with WAC 480-70-071 and WAC 480-70-076 by failing to pay its 2010 regulatory fee and file its 2009 annual report.
- 13 Staff requests that the Commission, pursuant to its authority in WAC 480-70-161, cancel the certificate of public convenience and necessity of Trashbusters.

## III. PROBABLE CAUSE

- 14 Based on a review of the Declaration of Sheri Hoyt regarding her investigation of Commission records pertaining to the submission of annual reports and regulatory fees by solid waste collection companies, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

## IV. NOTICE OF HEARING

- 15 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on February 2, 2011, at 1:30 p.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.
- 16 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW 34.05, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452, and pursuant to the Commission's procedural rules in WAC 480-07, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-305, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495. The Commission has jurisdiction over this matter under RCW 80.01, RCW 81.04, and RCW 81.80, including but not limited to RCW 80.01.040, RCW 81.04.080, RCW 81.04.110, RCW 81.04.380, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290,

RCW 81.80.321, and RCW 81.80.330, and under WAC 480-70, including but not limited to WAC 480-70-161.

17 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the hearing set by this notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440 and WAC 480-07-450.**

18 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

19 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Representative: Gregory J. Trautman  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1187

Respondent: Trashbusters of Washington State, LLC  
P.O. Box 2530  
Blaine, WA 98231-2530

20 Adam E. Torem is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

- 21 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective November 19, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA  
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes)\_\_\_\_\_ (No)\_\_\_\_\_

Do you need a certified sign language interpreter?

Visual\_\_\_\_\_ Tactile\_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_