

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TG-130691
)	
SANITARY DISPOSAL, INC., G-173)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the provisions of)	
WAC 480-70-071 Relating to Filing of)	ORDER GRANTING EXEMPTION
Annual Reports by Solid Waste Companies)	FROM RULE
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BACKGROUND

- 1 On May 3, 2013, Sanitary Disposal, Inc. (Sanitary Disposal or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-70-071, to allow the Company to file a Class C annual report instead of a Class A & B annual report. The Company serves 155 residential and commercial customers and 23 drop-box customers in Washington.
- 2 Sanitary Disposal stated that it earned only \$294,146 (5.8 percent) of its total revenue (approximately \$5 million) from customers in Washington State in 2012.
- 3 Sanitary Disposal is a Class B solid waste company, as defined by WAC 480-77-041 to mean “a traditional solid waste collection company with annual gross operating revenue from regulated, intrastate operations of less than five million dollars.”
- 4 WAC 480-70-070(b) requires solid waste companies to file a complete, accurate annual report showing all information requested by the Commission by May 1 of the succeeding year. The Commission provides an annual report form for Class A and B solid waste companies, defined in WAC 480-70-041 as companies providing “traditional solid waste collection,” and for Class C solid waste companies, defined in WAC 480-70-041 as a company “that does not provide traditional residential or commercial solid waste operations.”
- 5 On April 18, 2013, Sanitary Disposal filed a Class C annual report and paid its regulatory fees due to the Commission. Sanitary Disposal stated it filed the Class C annual report form because the Company mistakenly understood that the Commission’s order issued in Docket TG-110113 granted a permanent exemption from the Class A and B annual report filing requirements.

6 In past years, the Commission has approved the Company's requests to file a Class C annual report form instead of the Class A and B annual report form. The reason the Company requested an exemption, both now and in the past, is to avoid the costs associated with hiring an accountant to prepare the more detailed Class A and B annual report. The Company would pass these costs on to Washington customers.

7 Commission Staff reviewed the request and recommended granting Sanitary Disposal's request for exemption, subject to the condition that the exemption applies to only the 2012 reporting year.

FINDINGS AND CONCLUSIONS

8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.

9 (2) Sanitary Disposal is a solid waste company and a public service company subject to Commission jurisdiction.

10 (3) Sanitary Disposal is subject to WAC 480-70-071, which requires solid waste companies to file an annual report by May 1 of each year. Sanitary Disposal filed a Class C annual report form and paid its regulatory fees in a timely manner. The Company was not authorized to use the Class C annual report form.

11 (4) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.

12 (5) This matter came before the Commission at its regularly scheduled meeting on May 30, 2013.

13 (6) After review of the petition filed in Docket TG-130691 by Sanitary Disposal on May 3, 2013, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying

the regulation and applicable statutes and should be granted for the 2012 reporting year.

O R D E R

THE COMMISSION ORDERS:

- 14 (1) The request by Sanitary Disposal, Inc., for an exemption from WAC 480-70-071 to allow the Company to file a Class C annual report is granted for the 2012 reporting year.
- 15 (2) The Commission retains jurisdiction over the subject matter and Sanitary Disposal, Inc., to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 30, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary