Service Date: June 29, 2023

# BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

METHOW VALLEY SANITATION SERVICE, INC. d/b/a WASTEWISE METHOW,

Petitioner,

Seeking Exemption from the Provisions of WAC 480-07-900(5)(b) Relating to Open Meeting deadlines and schedules

**DOCKET TG-230506** 

ORDER 01

GRANTING EXEMPTION FROM RULE

### **BACKGROUND**

- On June 23, 2023, Methow Valley Sanitation Service, Inc. d/b/a WasteWise Methow (Methow or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-07-900(5)(b) (Petition).
- WAC 480-07-900(5)(b) requires that solid waste companies requesting a revised tariff become effective on less than statutory or other required notice must submit such request and a file a complete revised tariff at least seven business days prior to the next regular open meeting to have the Commission consider the filing at that meeting. The Petition was filed only six days prior to the next regular open meeting.
- Per WAC 480-70-261(3), the Commission may approve a new service to be added to a tariff with only one day notice to the Commission. The Company's tariff filing would add a new 20 Yard Compactor Service requested by the customer Sun Mountain Ranch Club, a Property Owners Association (Sun Mountain). Sun Mountain requested that Methow purchase, install, and provide this service. Methow has purchased and installed the requested 20 Compactor but cannot service it for a fee until there is an effective tariff rate.
- 4 Commission Staff (Staff) reviewed the request and recommend granting Methow's request for exemption.

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#### DISCUSSION

The Commission has discretion to grant exemptions to provisions of any rule in WAC 480-07, if consistent with the public interest, the purposes underlying regulation and applicable statutes. The timing required by WAC 480-07-900(5)(b) is usually necessary to allow the Commission sufficient time before the open meeting to examine company submissions for accuracy and sufficiency and for Staff to formulate its recommendation. In this instance, Staff has concluded that the filing is sufficient, and it was not prejudiced by the shortened review period. Further, the requested tariff revision is necessary for the Company to provide a requested service to Sun Mountain that the Company has purchased and installed, and is prepared to provide. Additional delay would be detrimental to both the Company and Sun Mountain. We therefore agree with Staff that the requested exemption should be granted and that Methow's filing can be considered at the open meeting today, June 29, 2023.

#### FINDINGS AND CONCLUSIONS

- 6 (1) The 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.
- 7 (2) Methow is engaged in the business of providing solid waste services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 8 (3) Methow is subject to WAC 480-07-900(5)(b), which requires solid waste companies to request less than statutory notice seven business days prior to the next open meeting, in order for it to be heard at that meeting.
- 9 (4) Methow filed a request for less than statutory notice less than seven business days before the next regularly scheduled open meeting.
- 10 (5) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule in WAC 480-07, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 11 (5) This matter came before the Commission at its regularly scheduled meeting on June 29, 2023.

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(6) After review of the petition filed in Docket TG-230506 by Methow on June 23, 2023, 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 statues and should be granted.

## **ORDER**

## THE COMMISSION ORDERS:

- Upon the effective date of this Order, Methow Valley Sanitation Service, Inc. d/b/a WasteWise Methow is granted an exemption from WAC 480-07-900(5)(b), for the purpose of allowing the Company's revised tariff filed on June 23, 2023, offering a new service to Sun Mountain Ranch Club, to be considered at the June 29, 2023, open meeting.
- The Commission retains jurisdiction over the subject matter and Methow Valley Sanitation Service, Inc. d/b/a WasteWise Methow 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 Lacey, Washington, and effective June 29, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL Executive Director and Secretary