

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Tariff to Increase Rates	)	DOCKET TG-112099
Due to a Disposal Fee Increase Filed By	)	
	)	ORDER 01
	)	
	)	ORDER GRANTING EXEMPTION
	)	FROM RULE AND ALLOWING
	)	TARIFF TO BECOME EFFECTIVE
EMPIRE DISPOSAL, INC., G-75	)	BY OPERATION OF LAW
.....	)	

**BACKGROUND**

- 1 On December 6, 2011, Empire Disposal, Inc., G-75 (Empire Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission), revisions to its currently effective Tariff No. 13 to increase rates due to a disposal fee increase. On December 6, 2011, the Company filed revised tariff pages designated as pages 2, 19, 20, 26, 27, 30, 31, 34, 35, 45, 46, 47, 48, 49, 50 and 51. A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505.
  
- 2 The disposal fees charged by Whitman County will increase from \$99.00 per ton to \$103.00 per ton effective February 1, 2012. The Company projects this will increase annual revenues by approximately \$24,000 (4.0 percent) for its residential and commercial operations in Whitman County. In addition, as of February 1, 2012, the tipping fee at the Spokane Transfer Station will increase from \$103.00 per ton to 109.00 per ton and at the Spokane Incinerator the rate will increase from \$98.00 per ton to \$104.00 per ton. The Company projects this will increase annual revenues by approximately \$9,200 (5.9 percent) for its residential and commercial operations in Spokane County. The Company's last general rate increase became effective on November 1, 2010.
  
- 3 WAC 480-07-520 lists the minimum required information the Company must provide in a general rate increase filing. The Company provided information pertinent to the disposal fee increases but did not provide the remainder of the information required by the rule.
  
- 4 WAC 480-07-110 allows the Commission to grant an exemption from or modify the application of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. *See also WAC 480-70-051.*

- 5 Commission Staff reviewed the tariff request together with other factors and recommended the Commission allow the tariff to become effective by operation of law, and on its own motion, grant an exemption from the rule for this filing for the following reason(s):
- (a) There have not been any significant changes since the last rate case that became effective November 1, 2010. Reviewing the rate case documents, the number of customers is unchanged, inflation has been low, and the Company has not changed its collection methods.
  - (b) The increased disposal fees are set by Whitman County and the Spokane Regional Solid Waste System and are required as a part of Empire Disposal's operations.
  - (c) The Company's financial information supports the proposed revenue requirement and the proposed rates.
  - (d) Staff concluded the proposed rate increase, by reason of the increase in disposal fees, is fair, just, and reasonable.

#### FINDINGS AND CONCLUSIONS

- 6 (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.*
- 7 (2) Empire Disposal 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) Empire Disposal is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals.
- 9 (4) Under WAC 480-07-110, 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 480-70-051.*

- 10 (5) This matter came before the Commission at its regularly scheduled meeting on January 26, 2012.
- 11 (6) After reviewing the tariff revisions Empire Disposal filed in Docket TG-112099 on December 6, 2011, and giving due consideration, the Commission finds:
- (a) An exemption from the general rate increase filing requirements set forth in WAC 480-07-520 is in the public interest and consistent with the purposes underlying regulation, and applicable statutes and should be granted; and
  - (b) It is in the public interest to allow the tariff revisions to Tariff No. 13 filed on December 6, 2011, to become effective on February 1, 2012, by operation of law.

**O R D E R**

**THE COMMISSION ORDERS:**

- 12 (1) The Commission retains jurisdiction over the subject matter and Empire Disposal, Inc., to effectuate the provisions of this Order.
- 13 (2) On the effective date of this Order, Empire Disposal, Inc., is granted an exemption from WAC 480-07-520 for purposes of the tariff filed in Docket TG-112099 on December 6, 2012.
- 14 (3) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on February 1, 2012, by operation of law.

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 January 26, 2012.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**DAVID W. DANNER, Executive Director and Secretary**