

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	DOCKETS TG-121366, TG-121367,
Complainant,)	TG-121369, TG-121370 and TG-
)	121371
v.)	
)	
RABANCO LTD, D/B/A CONTAINER)	
HAULING, EASTSIDE DISPOSAL,)	
RABANCO COMPANIES, RABANCO)	
CONNECTIONS, LYNNWOOD)	
DISPOSAL, ALLIED WASTE)	ORDER 01
SERVICES OF LYNNWOOD, ALLIED)	
WASTE SERVICES OF KLICKITAT)	
COUNTY, TRI-COUNTY DISPOSAL,)	
ALLIED WASTE SERVICES OF KENT)	
& RABANCO COMPANIES, AND)	
SEATAC DISPOSAL (G-12), AND)	
FIORITO ENTERPRISES, INC. &)	COMPLAINT AND ORDER
RABANCO COMPANIES D/B/A KENT)	SUSPENDING TARIFFS
MERIDIAN DISPOSAL COMPANY)	
(G-60).)	
)	
Respondent.)	
.....)	

BACKGROUND

- 1 WAC 480-70-281 requires all solid waste collection companies to file proposed tariffs on forms available from the Commission or on comparable forms or templates approved by the Commission. The Commission adopted the current template and Item 30 - Limitations of Service, in 2001 in Docket TG-010374. However, Item 30 did not contain provisions for service in the event of disruptions due to labor disputes.

- 2 On May 18, the Commission sent a letter to Rabanco reminding the Company that its tariffs do not address labor disputes. Rabanco worked with Commission staff to craft proposed tariff language; however the Company added a new sentence stating the Company may extend credits in the event of a prolonged work stoppage.

- 3 On August 17, 2012, Rabanco LTD and Fiorito Enterprises, Inc. (Rabanco or Company), filed tariff revisions with the Utilities and Transportation Commission (Commission).

The proposed filings add language regarding missed pickups due to a labor dispute, to Item 30 - Limitations of Service, in its five separate tariffs. The proposed language is slightly different than what was filed by Waste Management, Inc., in June, 2012. Rabanco added a sentence that states, "...In the event of any more prolonged work stoppage, and the Company may extend credit or otherwise appropriately prorate customer invoices as provided in Item 17, above." The Company explained to staff that "prolonged" means "residential service disruptions in excess of one calendar week. For instance, if a customer is missed on the 1st of the month but is picked up on the 8th, additional set-outs ("extras") matching the customer's regular service level would be picked up for free. Service disruptions in excess of one calendar week will trigger credits for missed pickups."

4 The recent labor dispute that affected customers in our state has raised many operational questions that still need to be answered before staff can finish its analysis of these proposed tariffs. Therefore, the Company has not demonstrated the proposed tariffs are fair, just, reasonable, or sufficient.

5 At the August 30, 2012 open meeting, the Commission reopened Docket TG-010374 to consider whether to amend Item 30 - Limitations of Service, which the Commission adopted as part of the standard tariff template for traditional solid waste collection companies. The issue of missed pick ups need to be clarified so affected customers and companies will know what to expect. The Commission will discuss these issues with the industry and interested stakeholders in an open forum seeking comment on how missed pickups should be handled during labor disputes and in other circumstances in the near future.

6 Rabanco provides solid waste collection services in King, Klickitat, Skamania, Snohomish, and Yakima counties and provide service to approximately 62,000 customers.

FINDINGS AND CONCLUSIONS

7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, 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.

- 8 (2) Rabanco LTD and Fiorito Enterprises, Inc. are solid waste companies and are public service companies subject to Commission jurisdiction.
- 9 (3) This matter came before the Commission at its regularly scheduled meeting on September 27, 2012.
- 10 (4) Rabanco LTD and Fiorito Enterprises, Inc. have not yet demonstrated that these tariff revisions are fair, just, reasonable, and sufficient.
- 11 (5) As required by RCW 81.04.130, Rabanco LTD and Fiorito Enterprises, Inc., bear the burden of proof to show that the proposed tariffs are just, fair, reasonable and sufficient. Nothing in this Order is intended to limit the issues as to the fairness, justness, reasonableness and sufficiency of the proposed tariffs.
- 12 (6) Rabanco LTD and Fiorito Enterprises, Inc., may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with the provisions of RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The tariff revisions filed on August 17, 2012, by Rabanco LTD (G-12) and Fiorito Enterprises, Inc. (G-60), are suspended.
- 14 (2) The Commission may hold hearings if needed at such times and places as required.
- 15 (3) Rabanco LTD and Fiorito Enterprises, Inc., must not change or alter the tariff pages filed in these dockets during the suspension period, unless authorized by the Commission.
- 16 (4) The Commission will institute an investigation of Rabanco LTD and Fiorito Enterprises, Inc., books, accounts, practices, activities and operations as described above.
- 17 (5) Rabanco LTD and Fiorito Enterprises, Inc., shall pay the expenses reasonably attributable and allocable to the Commission's investigation consistent with the provisions of RCW 81.20.

DATED at Olympia, Washington, and effective September 27, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner