

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PENINSULA SANITATION SERVICE,  
INC.,

Respondent.

DOCKET TG-190476

ORDER 02

GRANTING REQUEST TO EXTEND  
FILING DEADLINE; AMENDING  
ORDER 01 TO REQUIRE  
COMPLIANCE FILING BY  
SEPTEMBER 1, 2020

**BACKGROUND**

- 1 On July 17, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Complaint for Penalties and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements on August 20, 2019, at 9:30 a.m. (Complaint) against Peninsula Sanitation Service, Inc., (Peninsula or Company) for alleged violations of Title 81 RCW and Chapter 480-70 WAC. The brief adjudicative proceeding was rescheduled and then subsequently cancelled pursuant to a joint request filed by Peninsula and Commission staff (Staff).
- 2 On December 10, 2019, the Commission entered in this docket Order 01, approving a settlement agreement between the Company and Staff. Order 01, and the settlement agreement it approved, required the Company to file a general rate case with the Commission by July 1, 2020.
- 3 On April 7, 2020, the Company filed with the Commission a request to extend the date by which it must file a general rate case to at least September 1, 2020. The Company explained that its request stems from the ongoing COVID-19 pandemic and resulting disruptions, including inaccessibility to Company records.

4 Also on April 7, 2020, Staff filed a letter responding to the Company's request, indicating  
that Staff had no objection but requesting that the Commission set a date-certain by  
which the Company must file its general rate case.

5 Daniel J. Teimouri, Assistant Attorney General, Lacey, Washington, represents Staff.  
David W. Wiley and Sean Leake, Williams Kastner & Gibbs, PLLC, Seattle,  
Washington, represent Peninsula.

### DISCUSSION AND DECISION

6 The Commission may alter, amend, or rescind any order it has entered, or do so in  
response to a petition.<sup>1</sup> The Commission must give all parties an opportunity to respond  
to the petition or to the Commission's proposal to alter, amend, or rescind.<sup>2</sup>

7 We grant the Company's request for a 60-day extension to file its general rate case. Staff  
does not object to the Company's request. The Governor issued Proclamation 20-05  
declaring a state of emergency, noting the health and economic impacts to Washington  
citizens resulting from the outbreak of COVID-19, on February 29, 2020. Due to the  
ongoing COVID-19 pandemic and the difficulties it presents to many of the companies  
the Commission regulates, we find that extending the deadline for the Company to file its  
general rate case is in the public interest and consistent with public policy, not contrary to  
law, and reasonable in light of all circumstances known to the Commission. We,  
therefore, find good cause to grant the Company's request and amend Order 01 to require  
the Company to file its general rate case by September 1, 2020.

### FINDINGS AND CONCLUSIONS

8 (1) The Commission is an agency of the state of Washington vested by statute with  
the authority to regulate the rates, rules, regulations, and practices of solid waste  
collection companies.

9 (2) Peninsula is a solid waste collection company subject to regulation by the  
Commission.

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<sup>1</sup> WAC 480-07-875(1).

<sup>2</sup> WAC 480-07-875(1)(b).

- 10 (3) On December 10, 2019, the Commission entered Order 01, Approving Settlement Agreement between the Company and Staff. Order 01 and the settlement agreement required the Company to file a general rate case with the Commission by July 1, 2020.
- 11 (4) On April 7, 2020, the Company filed with the Commission a request to extend the date for filing its general rate case by 60 days, from July 1, 2020, to at least September 1, 2020.
- 12 (5) The Commission may alter, amend, or rescind any order it has entered, or do so in response to a petition. The Commission must give all parties an opportunity to respond to the petition or to the Commission's proposal to alter, amend, or rescind.
- 13 (6) On April 7, 2020, Staff filed a letter responding to the Company's request, indicating that Staff had no objection but requesting that the Commission set a date-certain (September 1, 2020) by which the Company must file the agreed general rate case.
- 14 (7) On February 29, 2020, the Governor issued Proclamation 20-05 declaring a state of emergency, noting the health and economic impacts to Washington citizens resulting from the outbreak of COVID-19.
- 15 (8) COVID-19 is affecting the Company, causing disruptions to its operations including inaccessibility to Company records.
- 16 (9) The difficulties caused by COVID-19 provide good cause to extend the deadline for the Company to file its general rate case.
- 17 (10) The Commission should grant the Company's request to amend Order 01 to extend the deadline for filing its general rate case from July 1, 2020, to September 1, 2020.

**ORDER**

THE COMMISSION ORDERS:

- 18 (1) The request filed by Peninsula Sanitation Service, Inc., on April 7, 2019, to  
extend the deadline for filing its general rate case from July 1, 2020, to  
September 1, 2020, is granted.
- 19 (2) Order 01 is amended to reflect that Peninsula Sanitation Service, Inc., must file a  
general rate case by September 1, 2020. All other terms of Order 01 remain in full  
force and effect.
- 20 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective April 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*  
ANDREW J. O'CONNELL  
Administrative Law Judge