
SUBSTITUTE HOUSE BILL 1260

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn and Rust; by request of Utilities & Transportation Commission)

Read first time 02/15/93.

1 AN ACT Relating to the review of solid waste collection company
2 tariff filings by the utilities and transportation commission; amending
3 RCW 81.04.130 and 81.28.050; and adding a new section to chapter 70.95
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 81.04.130 and 1984 c 143 s 1 are each amended to read
7 as follows:

8 Whenever any public service company, other than a railroad company,
9 files with the commission any schedule, classification, rule, or
10 regulation, the effect of which is to change any rate, fare, charge,
11 rental, or toll previously charged, the commission has power, either
12 upon its own motion or upon complaint, upon notice, to hold a hearing
13 concerning the proposed change and the reasonableness and justness of
14 it. Pending the hearing and the decision the commission may suspend
15 the operation of the rate, fare, charge, rental, or toll, if the change
16 is proposed by a common carrier subject to the jurisdiction of the
17 commission, other than a solid waste collection company, for a period
18 not exceeding seven months, and, if proposed by a (~~public service~~
19 ~~company other than such a common carrier~~) solid waste collection

1 company, for a period not exceeding ten months from the time the change
2 would otherwise go into effect. After a full hearing the commission
3 may make such order in reference to the change as would be provided in
4 a hearing initiated after the change had become effective.

5 At any hearing involving any change in any schedule,
6 classification, rule, or regulation the effect of which is to increase
7 any rate, fare, charge, rental, or toll theretofore charged, the burden
8 of proof to show that such increase is just and reasonable is upon the
9 public service company. When any common carrier subject to the
10 jurisdiction of the commission files any tariff, classification, rule,
11 or regulation the effect of which is to decrease any rate, fare, or
12 charge, the burden of proof to show that such decrease is just and
13 reasonable is upon the common carrier.

14 **Sec. 2.** RCW 81.28.050 and 1984 c 143 s 5 are each amended to read
15 as follows:

16 Unless the commission otherwise orders, no change may be made in
17 any classification, rate, fare, charge, rule, or regulation filed and
18 published by a common carrier other than a rail carrier, except after
19 thirty days' notice to the commission and to the public. In the case
20 of a solid waste collection company, no such change may be made except
21 after forty-five days' notice to the commission and to the public. The
22 notice shall be published as provided in RCW 81.28.040 and shall
23 plainly state the changes proposed to be made in the schedule then in
24 force and the time when the changed rate, classification, fare, or
25 charge will go into effect. All proposed changes shall be shown by
26 printing, filing, and publishing new schedules or shall be plainly
27 indicated upon the schedules in force at the time and kept open to
28 public inspection. In the case of a change proposed by a rail carrier,
29 except for changes to rail contracts between a rail carrier and a
30 shipper authorized under RCW 81.34.070, which changes become effective
31 in accordance with that section, a proposal resulting in a rate
32 increase or a new rate shall not become effective for twenty days after
33 the notice is published, and a proposal resulting in a rate decrease
34 shall not become effective for ten days after the notice is published.
35 The commission, for good cause shown, may by order allow changes in
36 rates without requiring the notice and the publication time periods
37 specified in this section. When any change is made in any rate, fare,
38 charge, classification, rule, or regulation, attention shall be

1 directed to the change by some character on the schedule. The
2 character and its placement shall be designated by the commission. The
3 commission may, by order, for good cause shown, allow changes in any
4 rate, fare, charge, classification, rule, or regulation without
5 requiring any character to indicate each and every change to be made.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW
7 to read as follows:

8 (1) A city, county, or person shall provide written notice to the
9 public and to the affected solid waste collection companies upon
10 adoption of a change in tipping fees charged at a transfer station,
11 landfill, or facility used to burn solid waste.

12 (2) A change in tipping fees at a transfer station, landfill, or
13 facility used to burn solid waste shall take effect no sooner than
14 seventy-five days after notice has been provided under subsection (1)
15 of this section. A solid waste collection company may waive all or
16 part of the seventy-five day notice requirement.

17 (3) A waiver by a solid waste collection company under subsection
18 (2) of this section shall not affect the notice requirements for rate
19 filings under RCW 81.28.050.

20 (4) For purposes of this section, "solid waste collection company"
21 means every person or that person's lessees, receivers, or trustees,
22 owning, controlling, operating, or managing vehicles used in the
23 business of transporting solid waste for collection and/or disposal for
24 compensation, except septic tank pumpers, over any public highway in
25 this state whether as a common carrier or contract carrier, or
26 municipally owned or operated.

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