

2 **SHB 1260** - S COMM AMD
3 By Committee on Ecology & Parks

4 ADOPTED 4/1/93

5 Strike everything after the enacting clause and insert the
6 following:

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

9 Whenever any public service company, other than a railroad company,
10 files with the commission any schedule, classification, rule, or
11 regulation, the effect of which is to change any rate, fare, charge,
12 rental, or toll previously charged, the commission has power, either
13 upon its own motion or upon complaint, upon notice, to hold a hearing
14 concerning the proposed change and the reasonableness and justness of
15 it. Pending the hearing and the decision the commission may suspend
16 the operation of the rate, fare, charge, rental, or toll, if the change
17 is proposed by a common carrier subject to the jurisdiction of the
18 commission, other than a solid waste collection company, for a period
19 not exceeding seven months, and, if proposed by a (~~public service~~
20 ~~company other than such a common carrier~~) solid waste collection
21 company, for a period not exceeding ten months from the time the change
22 would otherwise go into effect. After a full hearing the commission
23 may make such order in reference to the change as would be provided in
24 a hearing initiated after the change had become effective.

25 At any hearing involving any change in any schedule,
26 classification, rule, or regulation the effect of which is to increase
27 any rate, fare, charge, rental, or toll theretofore charged, the burden
28 of proof to show that such increase is just and reasonable is upon the
29 public service company. When any common carrier subject to the
30 jurisdiction of the commission files any tariff, classification, rule,
31 or regulation the effect of which is to decrease any rate, fare, or
32 charge, the burden of proof to show that such decrease is just and
33 reasonable is upon the common carrier.

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

1 Unless the commission otherwise orders, no change may be made in
2 any classification, rate, fare, charge, rule, or regulation filed and
3 published by a common carrier other than a rail carrier, except after
4 thirty days' notice to the commission and to the public. In the case
5 of a solid waste collection company, no such change may be made except
6 after forty-five days' notice to the commission and to the public. The
7 notice shall be published as provided in RCW 81.28.040 and shall
8 plainly state the changes proposed to be made in the schedule then in
9 force and the time when the changed rate, classification, fare, or
10 charge will go into effect. All proposed changes shall be shown by
11 printing, filing, and publishing new schedules or shall be plainly
12 indicated upon the schedules in force at the time and kept open to
13 public inspection. In the case of a change proposed by a rail carrier,
14 except for changes to rail contracts between a rail carrier and a
15 shipper authorized under RCW 81.34.070, which changes become effective
16 in accordance with that section, a proposal resulting in a rate
17 increase or a new rate shall not become effective for twenty days after
18 the notice is published, and a proposal resulting in a rate decrease
19 shall not become effective for ten days after the notice is published.
20 The commission, for good cause shown, may by order allow changes in
21 rates without requiring the notice and the publication time periods
22 specified in this section. When any change is made in any rate, fare,
23 charge, classification, rule, or regulation, attention shall be
24 directed to the change by some character on the schedule. The
25 character and its placement shall be designated by the commission. The
26 commission may, by order, for good cause shown, allow changes in any
27 rate, fare, charge, classification, rule, or regulation without
28 requiring any character to indicate each and every change to be made.

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

31 To provide solid waste collection companies with sufficient time to
32 prepare and submit tariffs and rate filings for public comment and
33 commission approval, the owner or operator of a transfer station,
34 landfill, or facility used to burn solid waste shall provide seventy-
35 five days' notice to solid waste collection companies of any change in
36 tipping fees and disposal rate schedules. The notice period shall
37 begin on the date individual notice to a collection company is
38 delivered to the company or is postmarked.

1 A collection company may agree to a shorter notice period:
2 PROVIDED, That such agreement by a company shall not affect the notice
3 requirements for rate filings under RCW 81.28.050.

4 The owner of a transfer station, landfill or facility used to burn
5 solid waste may agree to provide companies with a longer notice period.

6 "Solid waste collection companies" as used in this section means
7 the companies regulated by the commission pursuant to chapter 81.77
8 RCW."

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12 On page 1, line 2 of the title, after "commission;" strike the
13 remainder of the title and insert "amending RCW 81.04.130 and
14 81.28.050; and adding a new section to chapter 70.95 RCW."

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