

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Tariff to Increase Rates)	DOCKET TG-111933
Due to a Disposal Fee Increase Filed By)	
)	ORDER 01
)	
)	
HAROLD LEMAY ENTERPRISES, INC.)	ORDER GRANTING EXEMPTION
d/b/a CITY SANITARY CO., JOE’S)	FROM RULE AND ALLOWING
REFUSE, WHITE PASS GARBAGE CO.,)	TARIFF TO BECOME EFFECTIVE
G-98)	BY OPERATION OF LAW
.....)	

BACKGROUND

- 1 On November 8, 2011, Harold LeMay Enterprises, Inc., d/b/a City Sanitary Co., d/b/a Joe’s Refuse, and d/b/a White Pass Garbage Co. (Joe’s Refuse or Company), filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 9.3 to increase rates due to a disposal fee increase. On November 17, 2011, the Company filed revised tariff pages designated as 7th Revised Page 25 and 4th Revised Page 41. A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505.
- 2 Thurston County has increased disposal fees from \$110.00 per ton to \$119.00 per ton effective January 1, 2012. The proposed rate increase would generate approximately \$59,000 additional annual revenue and become effective January 1, 2012. The increased disposal fees affect only the approximately 4,000 customers the Company serves in Thurston 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 increase 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 Thurston County and are required as a part of the Company'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) Joe's Refuse 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) Joe's Refuse 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 December 29, 2011.
- 11 (6) After reviewing the tariff revisions Joe's Refuse filed in Docket TG-111933 on November 8, 2011, and on November 17, 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. 9.3 filed on November 8, 2011, and on November 17, 2011, to become effective on January 1, 2012, by operation of law.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., d/b/a City Sanitary Co., d/b/a Joe's Refuse, and d/b/a White Pass Garbage Co. to effectuate the provisions of this Order.
- 13 (2) On the effective date of this Order, Harold LeMay Enterprises, Inc., d/b/a City Sanitary Co., d/b/a Joe's Refuse, and d/b/a White Pass Garbage Co., is granted an exemption from WAC 480-07-520 for purposes of the tariff filed in Docket TG-111933 on November 8, 2011, and on November 17, 2011.
- 14 (3) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on January 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 December 29, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Secretary