

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-061748
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	COMPLAINT AND ORDER
HAROLD LEMAY ENTERPRISES, INC., d/b/a RURAL GARBAGE SERVICE, G-98	)	SUSPENDING TARIFF REVISIONS; ALLOWING REVISED RATES TO BECOME EFFECTIVE JANUARY 1, 2007, ON A TEMPORARY BASIS,
	)	SUBJECT TO REFUND
Respondent.	)	
.....	)	

**BACKGROUND**

1 On November 17, 2006, Harold LeMay Enterprises, Inc., d/b/a Rural Garbage Service Company, (Rural Garbage or Company) filed with the Washington Utilities and Transportation Commission (Commission) revised pages to Tariff No. 12.2. The stated effective date is January 1, 2007.

2 The filing would:

- (1) Increase residential, commercial and drop box solid waste rates.
- (2) Decrease the residential recycling commodity credit.

Rural Garbage’s proposed rates were designed to increase revenues by \$112,200 (5.38%) annually. Commission Staff’s review revealed that the proposed rates were excessive. Staff and the Company negotiated revised rates that would increase annual revenues by approximately \$104,500 (5.11%). On December 20, 2006, Rural Garbage filed revised, lower rates on substitute tariff pages to reflect this reduced revenue level.

3 The Commission received two comments concerning the Company’s original (November 17, 2006) filing. Both are opposed to the increase. One feels that the recycling commodity credit should not be reduced as it will take away consumers’ incentive to recycle. The other customer misunderstood the recycling charges and

credits, and received help from staff. The customers have not yet had the opportunity to comment on the proposed revised rates filed by the Company on December 20, 2006.

- 4 Customers deserve to know about, and comment on, those revised rates. The Commission should consider all information, including any additional customer comments on the revised rates, in deciding whether to conduct an evidentiary hearing on the revised rates. Rural Garbage, therefore, has not yet demonstrated the revised rates are fair, just and reasonable.
- 5 The proposed revised rates might injuriously affect the rights and interests of the public. The Commission therefore suspends the tariff filing. The Commission accepts the proposed revised rates as temporary rates and allows those revised rates to become effective on January 1, 2007, on a temporary basis, subject to refund. Public hearings may be held to determine whether the proposed changes are 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 rates, regulations, practices, accounts, securities, affiliated transactions, and transfers of public service companies, including solid waste companies. *RCW 80.01.040; Chapter 81.01 RCW; Chapter 81.04 RCW; Chapter 81.28 RCW; Chapter 81.16 RCW; and Chapter 81.77 RCW.*
- 7 (2) Rural Garbage is a solid waste company and is a public service company subject to the jurisdiction of the Commission.
- 8 (3) This matter was brought before the Commission at its regularly scheduled meeting on December 27, 2006.
- 9 (4) The tariff revisions filed by Rural Garbage on November 17, 2006, and the substitute pages filed on December 20, 2006, increase solid waste rates and decrease the residential commodity credit.
- 10 (5) Rural Garbage has not yet demonstrated that the provisions for solid waste rates and the residential commodity credit are fair, just, reasonable, and sufficient. The

Commission finds it reasonable to allow the revised rates filed on December 20, 2006, to become effective January 1, 2007, on a temporary basis subject to refund.

- 11 (6) Rural Garbage may be required to pay the expenses reasonably attributable and allocable to such an investigation to the extent the requirements for such payment are in accordance with the provisions of Chapter 81.20 RCW.

**ORDER**

THE COMMISSION ORDERS:

- 12 (1) The tariff revision(s) filed by Harold LeMay Enterprises, Inc., d/b/a Rural Garbage Service on November 17, 2006, are suspended.
- 13 (2) The proposed revised rates the Company filed on December 20, 2006, that reflect Staff-recommended levels should be allowed to become effective January 1, 2007, on a temporary basis, subject to refund.
- 14 (3) The Commission may hold hearings if needed at such times and places as required.
- 15 (4) Harold LeMay Enterprises, Inc., d/b/a Rural Garbage Service must not change or alter the tariffs filed in this docket during the suspension period, unless authorized by the Commission in this docket.
- 16 (5) The Commission will institute an investigation of Harold LeMay Enterprises, Inc., d/b/a Rural Garbage Service's books, accounts, practices, activities, property and operations as necessary and as described above.
- 17 (6) Harold LeMay Enterprises, Inc., d/b/a Rural Garbage Service shall pay the expenses reasonably attributable and allocable to the Commission's investigation to the extent the requirements for such payment are in accordance with the provisions of Chapter 81.20 RCW.

- 18 (7) The proposed revised tariffs filed on December 20, 2006, shall become effective on January 1, 2007, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just and reasonable.

DATED at Olympia, Washington, and effective December 27, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner