

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, 2011. Reviewing the rate case documents, customer numbers are relatively unchanged, inflation has been low, and the Company has not changed its collection methods.
- (b) The increased disposal fees are set by Pierce 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) LeMay 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) LeMay 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 February 23, 2012.

- 11 (6) After reviewing the tariff revisions LeMay filed in Docket TG-120062 on January 12, 2012, 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. 21 filed on January 12, 2012, to become effective on March 1, 2012, by operation of law.

O R D E R

THE COMMISSION ORDERS:

- 12 (1) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse to effectuate the provisions of this Order.
- 13 (2) On the effective date of this Order, Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse is granted an exemption from WAC 480-07-520 for purposes of the tariff filed in Docket TG-120062 on January 12, 2012.
- 14 (3) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on March 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 February 23, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary