

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Tariff Revisions to	)	DOCKET TG-121782
Increase Rates Due to a Disposal Fee	)	
Increase Filed by	)	ORDER 01
	)	
	)	
	)	
HAROLD LEMAY ENTERPRISES, INC.,	)	ORDER GRANTING EXEMPTION
DBA EGH DISPOSAL, DBA HARBOR	)	FROM RULE AND ALLOWING
DISPOSAL CO.,	)	TARIFF REVISIONS TO BECOME
	)	EFFECTIVE BY OPERATION OF
Certificate G-98	)	LAW
.....	)	

**BACKGROUND**

- 1     On November 9, 2012, as revised on December 18, 2012, Harold LeMay Enterprises, Inc., dba EGH Disposal, dba Harbor Disposal Co. (LeMay or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to Tariff No. 12 to increase rates due to a disposal fee increase. The Company serves approximately 7,300 customers in Grays Harbor County. The Company’s last general rate increase became effective on January 1, 2013.
- 2     On January 1, 2013, Grays Harbor County will increase disposal fees from \$87.50 per ton to \$93.25 per ton at the Central Transfer Station. The proposed rate increase would generate approximately \$64,000 (1.8 percent) additional annual revenue and become effective January 1, 2013.
- 3     A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505. 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 but did not provide the remainder of the information required by the rule and did not request an exemption from the work paper filing requirements of WAC 480-07-520.
- 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 WAC 480-07-370(1)(b)(i) states, in part, that the Commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a Commission rule, without receiving a petition from a party.

6 Commission Staff reviewed the tariff request together with other factors and recommends the Commission allow the tariff to become effective by operation of law, and, on its own motion, grant the Company an exemption from WAC 480-07-520, work paper filing requirements for this filing for the following reasons:

- (a) There have not been any significant changes since the last rate case that became effective on January 1, 2013. 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 Grays Harbor 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**

7 (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.

8 (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.

9 (3) LeMay is subject to the filing requirements of WAC 480-70-071, for general rate increase proposals. The Company did not file the work papers required by WAC 480-07-520 and did not request an exemption from WAC 480-07-520. WAC

480-07-370(1)(b)(i) states, in part, that the Commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a Commission rule, without receiving a petition from a party.

10 (4) This matter came before the Commission at its regularly scheduled meeting on December 27, 2012.

11 (5) After review of the tariff revisions filed in Docket TG-121782 by LeMay on November 9, 2012, as revised on December 18, 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 is consistent with the purposes underlying the regulation and applicable statutes and should, on the Commission's own motion, be granted; and

(b) It is in the public interest to allow the revisions to Tariff No. 12 filed on November 9, 2012, as revised on December 18, 2012, to become effective on January 1, 2013, by operation of law.

### **ORDER**

#### **THE COMMISSION ORDERS:**

12 (1) After the effective date of this Order, the Commission, on its own motion, grants Harold LeMay Enterprises, Inc., dba EGH Disposal, dba Harbor Disposal Co. an exemption from WAC 480-07-520, for purposes of the tariff revisions filed in Docket TG-121782 on November 9, 2012, as revised on December 18, 2012,.

13 (2) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., dba EGH Disposal, dba Harbor Disposal Co., to effectuate the provisions of this Order.

14 (3) The Commission takes no action on the tariff revisions implementing the disposal fee increase and allows them to become effective on January 1, 2013, 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 27, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary