

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-070109
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	
HAROLD LEMAY ENTERPRISES, INC., d/b/a PACIFIC DISPOSAL AND BUTLERS COVE REFUSE SERVICE G-98	)	COMPLAINT AND ORDER SUSPENDING TARIFF REVISIONS; ALLOWING REVISED RATES TO BECOME EFFECTIVE MARCH 1, 2007, ON A TEMPORARY BASIS, SUBJECT TO REFUND
Respondent.	)	
.....	)	

**BACKGROUND**

- 1     On January 12, 2007, Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and Butlers Cove Refuse Service, (Pacific Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) 1<sup>st</sup> Revised Page No. 15, 4<sup>th</sup> revised Page No. 21 and 3<sup>rd</sup> revised Page No. 22 to its Tariff No. 7.7. The stated effective date is March 1, 2007.
- 2     The filing would increase residential recycling rates. Pacific Disposal’s proposed rates were designed to increase revenues by \$1,405,800 (9.20 percent) 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 \$1,194,900 (7.82 percent). On February 22, 2007, Pacific Disposal filed revised, lower rates on substitute tariff pages to reflect this reduced revenue level.
- 3     The Commission received calls, letters and e-mails from 143 customers concerning the Company’s original (January 12, 2007) filing. There were many questions about why the recycling process was changing. Staff has written to these customers, providing details of the county ordinance that is bringing about these changes. Thirteen customers support the changes to the process as well as a rate increase to support the changes. The majority of the comments were against the increase, with 119 customers saying they feel the proposed increase is too drastic. The customers have not yet had the opportunity to comment on the proposed revised rates filed by the Company on February 22, 2007.

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. Pacific Disposal, 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 March 1, 2007, on a temporary basis, subject to refund.

### 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; RCW 81.01; RCW 81.04; RCW 81.28; RCW 81.16; and RCW 81.77.*
- 7 (2) Pacific Disposal 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 February 28, 2007.
- 9 (4) The tariff revisions filed by Pacific Disposal on January 12, 2007, and the substitute pages filed on February 22, 2007, increase residential recycling rates.
- 10 (5) Pacific Disposal has not yet demonstrated that the provisions for the residential recycling rates are fair, just, reasonable, and sufficient. The Commission finds it reasonable to allow the revised rates filed on February 22, 2007, to become effective March 1, 2007, on a temporary basis subject to refund.
- 11 (6) Pacific Disposal 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 RCW 81.20.

**ORDER**

THE COMMISSION ORDERS:

- 12 (1) The tariff revision(s) filed by Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and Butlers Cove Refuse Service on January 12, 2007, are suspended.
- 13 (2) The proposed revised rates Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and Butlers Cove Refuse Service filed on February 22, 2007, that reflect Staff-recommended levels should be allowed to become effective March 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 Pacific Disposal and Butlers Cove Refuse Service must not change or alter the tariff pages 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 Pacific Disposal and Butlers Cove Refuse Service's books, accounts, practices, activities, property and operations as necessary and as described above.
- 17 (6) Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and Butlers Cove Refuse 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 RCW 81.20.
- 18 (7) The proposed revised tariffs filed on February 22, 2007, shall become effective on March 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 February 28, 2007.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner