

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of  
  
HAROLD LEMAY ENTERPRISES, INC.,  
d/b/a PIERCE COUNTY REFUSE,  
  
Petitioner,  
  
Seeking Exemption from the Provisions of  
WAC 480-70-351(2) Relating to Recycling  
Credits or Charges

DOCKET TG-190604  
  
ORDER 01  
  
ORDER GRANTING EXEMPTION  
FROM RULE; ALLOWING TARIFF  
REVISIONS TO BECOME  
EFFECTIVE BY OPERATION OF  
LAW

**BACKGROUND**

- 1 On July 12, 2019, Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse (Pierce  
County Refuse or Company) filed with the Washington Utilities and Transportation  
Commission (Commission) a petition requesting an exemption from WAC 480-70-351(2)  
Rates, recycling programs, credits, or charges (Petition).
- 2 WAC 480-70-351(2) states that solid waste companies that estimate the revenue from the  
sales of recyclable materials collected in residential curbside programs as part of a  
deferred accounting program to return recycling revenues or charges to customers must  
use the most recent 12-month historical period to estimate the revenue for the next 12  
months.
- 3 In its Petition, the Company asserts that the recycling commodity markets remain  
volatile, and the Company seeks approval to continue using a six-month, rather than 12-  
month, average to calculate its proposed recycling commodity adjustment.
- 4 Commission staff (Staff) reviewed the Petition and determined that the request for an  
exemption from the 12-month historical period requirement is reasonable. Staff  
recommends granting Pierce County Refuse's Petition.

**DISCUSSION**

- 5 We agree with Staff's recommendation and grant Pierce County Refuse's Petition for  
exemption from WAC 480-70-351(2). Using the most recent six-month historical period  
to estimate revenues is reasonable because it reflects a more realistic estimate of

recyclable commodity revenue. Accordingly, we find that granting the Company's request for an exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes.<sup>1</sup>

### FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies.
- 7 (2) Pierce County Refuse is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) Pierce County Refuse is subject to WAC 480-70-351(2), which requires solid waste companies that estimate the revenue from the sales of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers to use the most recent 12-month historical period to estimate the revenue for the next 12 months.
- 9 (4) Under WAC 480-70-051 the Commission may grant an exemption from the provisions of any rule in Chapter 480-70 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.<sup>2</sup>
- 10 (5) Staff recommends the Commission grant Pierce County Refuse's request for exemption from WAC 480-70-531(2).
- 11 (6) This matter came before the Commission at its regularly scheduled meeting on August 29, 2019.
- 12 (7) After reviewing Pierce County Refuse's proposed tariff revisions filed on July 12, 2019, in this docket and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the requested exemption is in the public interest, is consistent with both the purposes underlying the regulation and applicable statutes, and that it should be granted. The proposed tariff revisions

---

<sup>1</sup> See WAC 480-70-051; WAC 480-07-110.

<sup>2</sup> See WAC 480-07-110.

should therefore be allowed to become effective September 1, 2019, by operation of law.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 (1) The Commission grants Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse's Petition for an exemption from WAC 480-70-351(2). Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse may use the most recent six months of historical revenues to calculate its recycling commodity adjustment.
- 14 (2) The tariff revisions Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse filed on July 12, 2019, will become effective on September 1, 2019, 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 Lacey, Washington, and effective August 29, 2019.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**MARK L. JOHNSON, Executive Director and Secretary**