

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

WASHINGTON UTILITIES AND)	DOCKET TG-081886
TRANSPORTATION COMMISSION,)	
)	ORDER 01
Complainant,)	
)	
v.)	
)	
HAROLD LEMAY ENTERPRISES,)	
INC.,)	
D/B/A CITY SANITARY, JOE'S)	
REFUSE AND WHITE PASS)	COMPLAINT AND ORDER
GARBAGE, G-98)	SUSPENDING TARIFF; ALLOWING
)	RATES ON A TEMPORARY BASIS,
Respondent.)	SUBJECT TO REFUND
.....)	

BACKGROUND

- 1 On October 17, 2008, Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage (LeMay) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 9.3. The stated effective date is December 1, 2008.
- 2 In this filing, LeMay proposes to increase garbage rates to residential and commercial customers. LeMay's proposed rates were designed to increase revenues by \$124,000 (2.8 percent) annually. Commission Staff's review revealed that the proposed rates were excessive. Staff and LeMay negotiated revised rates that would increase annual revenues by approximately \$109,000 (2.5 percent). On November 14, 2008, LeMay filed revised, lower rates on substitute tariff pages to reflect this reduced revenue level.
- 3 The Commission received comments from 10 customers concerning LeMay's original October 17, 2008, filing. Most customers believe the rate increase is excessive. Some customers commented on the residential recycle program in Lewis County. Staff advised the customers that the county sets the residential recycling program elements in its solid waste management plan and to contact the county solid waste division with questions about the recycling program. The customers have not yet had the opportunity to comment on the proposed revised rates filed by LeMay on November 14, 2008.

4 Customers deserve to know about, and comment on, the proposed 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. LeMay, therefore, has not yet demonstrated the revised rates are fair, just, reasonable and sufficient.

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 December 1, 2008, 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 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 a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on November 26, 2008.
- 9 (4) The tariff revisions LeMay filed on October 17, 2008, and the substitute pages filed on November 14, 2008, would increase charges and rates for garbage service provided by LeMay.
- 10 (5) LeMay has not yet demonstrated that the provisions for the rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates filed on November 14, 2008, to become effective December 1, 2008, on a temporary basis, subject to refund.
- 11 (6) In addition, the Commission invokes the rights, remedies and procedures contained in the reparations statute, RCW 81.04.220, to the extent the

Commission finds that any rate subject to this investigation is excessive or exorbitant.

- 12 (7) LeMay may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The tariff revisions Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage filed on October 17, 2008, are suspended.
- 14 (2) The proposed revised tariff Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage filed on November 14, 2008, shall become effective on December 1, 2008, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 15 (3) The Commission may hold hearings if needed at such times and places as required.
- 16 (4) Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage must not change or alter the tariff pages filed in this docket during the suspension period, unless the Commission authorizes the change in this docket.
- 17 (5) The Commission will institute an investigation of Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage's books, accounts, practices, activities, property and operations as necessary and as described above.
- 18 (6) Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective November 26, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner