

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

WASHINGTON UTILITIES AND)	DOCKETS TG-071877, TG-071878 and
TRANSPORTATION COMMISSION,)	TG-071879
)	
Complainant,)	ORDER 01
)	
v.)	
)	
HAROLD LEMAY)	
ENTERPRISES,INC., INC., d/b/a)	
PACIFIC DISPOSAL AND BUTLERS)	COMPLAINT AND ORDER
COVE REFUSE, d/b/a JOE'S)	SUSPENDING TARIFF REVISIONS;
REFUSE, d/b/a RURAL GARBAGE)	ALLOWING REVISED RATES TO
SERVICE, G-98)	BECOME EFFECTIVE NOVEMBER 1,
)	2007, ON A TEMPORARY BASIS,
Respondent)	SUBJECT TO REFUND
.....)	

BACKGROUND

- 1 On September 17, 2007, Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and Butlers Cove Refuse, d/b/a Joe's Refuse and d/b/a Rural Garbage Service. (LeMay or Company) filed with the Washington Utilities and Transportation Commission (Commission) rates in Tariff No. 7.8, Tariff No. 9.2 and Tariff No. 12.2, respectively, to implement a new multi-family recycling program in Thurston County. The stated effective date is November 1, 2007. Thurston County Ordinance No. 13696 directs the Company to begin to implement a single stream multi-family recycling program by the fall of 2007. The Company serves approximately 600 multi-family customers in Thurston County.

- 2 LeMay proposed a multi-family collection rate of \$4.32 and a \$1.30 commodity credit per dwelling unit. Staff and the Company negotiated a revised rate of \$3.84 for collection and a \$1.30 commodity credit per dwelling unit. On October 16, 2007, LeMay filed lower revised rates on substitute tariff pages to reflect the reduced rate.

- 3 The Commission received four comments on this filing. Two customers objected to the rate increase and one supports the proposed recycling program. Another customer commented that the rate increase notice contained neither a file number nor the deadline for public comments and therefore the customer notice was incomplete.

4 Customers deserve to know about, and comment on, 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 November 1, 2007, on a temporary basis, subject to refund. Public hearings may be held to determine whether the proposed changes are fair, just, reasonable and sufficient.

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 81.16, RCW 81.28 and RCW 81.77.*

7 (2) LeMay 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 October 24, 2007.

9 (4) The tariff revisions filed by LeMay on September 17, 2007, and the substitute pages filed on October 16, 2007, establish rates for a single stream multi-family recycling program.

10 (5) LeMay has not yet demonstrated that the provisions for multi-family recycling rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates filed on October 16, 2007, to become effective November 1, 2007, on a temporary basis subject to refund.

- 11 (6) LeMay 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, d/b/a Joe's Refuse and d/b/a Rural Garbage Service on September 17, 2007, are suspended.
- 13 (2) The proposed revised tariff pages filed on October 16, 2007, shall become effective on November 1, 2007, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 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, d/b/a Joe's Refuse and d/b/a Rural Garbage Service, must not change or alter the tariff 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, d/b/a Joe's Refuse and d/b/a Rural Garbage 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, d/b/a Joe's Refuse and d/b/a Rural Garbage 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.

DATED at Olympia, Washington, and effective October 24, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner