

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKETS TG-071877, TG-071878, TG-071879
)	
Complainant,)	ORDER 02
)	
v.)	
)	
HAROLD LEMAY ENTERPRISES, INC., d/b/a PACIFIC DISPOSAL AND BUTLERS COVE REFUSE, d/b/a JOE’S REFUSE, d/b/a RURAL GARBAGE SERVICE G-98)	ORDER DISMISSING COMPLAINT AND ORDER SUSPENDING TARIFF REVISIONS; GRANTING TARIFF REVISIONS
)	
Respondent)	
.....)	

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. 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 three comments on these filings. One customer 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 On October 24, 2007, the Commission entered a Complaint and Order Suspending Tariff Revisions to allow customers the opportunity to comment on the revised rates before

determining whether the revisions were fair, just, reasonable and sufficient. The Commission allowed the revised rates to go into effect on a temporary basis, subject to refund effective November 1, 2007.

- 5 On November 2, 2007, the Consumers Affairs Staff sent a letter to the three customers who expressed an interest in this filing. The letter showed proposed and revised rates and informed the customers of the Commission decision at the October 24, 2007, open meeting, to allow the revised rates on a temporary basis effective November 1, 2007. Customers were notified that the Commission would decide whether to make the revised rates permanent at the November 28, 2007, open meeting.

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 November 28, 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) The Commission allowed the revised rates filed on October 16, 2007, to become effective November 1, 2007, on a temporary basis subject to refund.
- 11 (6) On November 2, 2007, the Consumers Affairs Staff sent a letter to the three customers who expressed an interest in this filing. The letter showed proposed and revised rates and informed the customers of the Commission decision at the October 24, 2007, open meeting, to allow the revised rates on a temporary basis

effective November 1, 2007. Customers were notified that the Commission would decide whether to make the revised rates permanent at the November 28, 2007, open meeting. No comments were received.

- 12 (7) LeMay has demonstrated that it requires additional revenues and the revised rates, now in effect on a temporary basis are fair, just, reasonable and sufficient, and should become effective permanently.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Complaint and Order Suspending Tariff Revisions in Dockets TG-071877, TG-071878 and TG-071879 dated October 24, 2007, is dismissed.
- 14 (2) The proposed revised rates that 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 filed on October 16, 2007, that reflect Staff-recommended levels are approved to become effective December 1, 2007, on a permanent basis.

DATED at Olympia, Washington, and effective November 28, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner