

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

WASHINGTON UTILITIES AND)	DOCKET TG-081886
TRANSPORTATION COMMISSION,)	
)	ORDER 02
Complainant,)	
)	
v.)	
)	
HAROLD LEMAY ENTERPRISES,)	ORDER DISMISSING
INC., D/B/A CITY SANITARY, JOE’S)	COMPLAINT AND ORDER
REFUSE AND WHITE PASS)	SUSPENDING TARIFF
GARBAGE, G-98)	REVISIONS; ALLOWING TARIFF
)	REVISIONS
Respondent.)	
.....)	

BACKGROUND

- 1 On October 17, 2008, Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe’s Refuse and White Pass Garbage (LeMay or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 9.3. The tariff revisions proposed to increase rates for garbage collection. The stated effective date was December 1, 2008.
- 2 On November 26, 2008, the Commission entered a Complaint and Order Suspending Tariff Revisions pending an investigation to determine whether the revisions are fair, just, reasonable and sufficient.
- 3 Staff’s review of LeMay’s filing revealed the proposed rates were excessive. The Company’s proposed rates were designed to increase revenues by approximately \$124,000 (2.8 percent) annually. 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 the lower revenue requirement.
- 4 At the open meeting on November 26, 2008, the Commission allowed the revised rates filed on November 14, 2008, to become effective December 1, 2008, on a temporary basis, subject to refund.

- 5 Eleven customers commented on the original filing. Staff summarized 10 comments and responded to them in its November 13, 2008, and November 26, 2008, memoranda. The Commission received one additional comment that raised a new issue. The customer suggested that the Company could save money if the customers all put their garbage carts on one side of the street. The garbage truck would then only have to make one trip on a street rather than going up one side and down the other to collect the carts.
- 6 Consumer Protection Staff contacted the customer and explained that from a consumer safety standpoint, it is unwise to require customers to cross roadways to place and retrieve their garbage carts.
- 7 On November 26, 2008, Consumer Protection Staff sent all customers who previously commented on the Company's filing a letter advising them of the Staff's recommended revised rates. No customers commented on the revised rates.
- 8 The additional customer comment did not provide any new information that causes Staff to change its opinion that the Company's books and records support the revised revenue requirement and the revised, temporary rates are fair, just, reasonable, and sufficient.

FINDINGS AND CONCLUSIONS

- 9 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, 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.*
- 10 (2) LeMay is a solid waste company and a public service company subject to Commission jurisdiction.
- 11 (3) This matter came before the Commission at its regularly scheduled meeting on December 11, 2008.

- 12 (4) The tariff revisions presently under suspension are fair, just, reasonable and sufficient because LeMay has demonstrated that it requires additional revenues and has filed revised rates at Staff's recommended levels.
- 13 (5) After reviewing the tariff revisions LeMay filed in Docket TG-081886 and giving due consideration, the Commission finds it is consistent with the public interest to dismiss the Complaint and Order Suspending Tariff Revisions in Docket TG-081886, dated November 26, 2008, and to allow the revised tariff revisions filed on November 14, 2008, to become effective on December 12, 2008.

O R D E R

THE COMMISSION ORDERS:

- 14 (1) The Complaint and Order Suspending Tariff Revisions in Docket TG-081886, entered on November 26, 2008, is dismissed.
- 15 (2) The proposed revised tariff revisions Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse and White Pass Garbage filed in this docket on November 14, 2008, shall become effective on December 12, 2008, on a permanent basis.

DATED at Olympia, Washington, and effective December 11, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner