

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

In the Matter of the Petition of	)	DOCKET TG-090096
	)	
HAROLD LEMAY ENTERPRISES,	)	ORDER 01
INC., DBA PIERCE COUNTY	)	
REFUSE,	)	
	)	
Petitioner,	)	
	)	
Requesting Authority to Retain Thirty	)	
Percent of the Revenue Received From	)	
the Sale of Recyclable Materials	)	
Collected in Residential Recycling	)	ORDER AUTHORIZING
Service	)	REVENUE SHARING
.....	)	

**BACKGROUND**

- 1 On January 15, 2009, Harold LeMay Enterprises, Inc., dba Pierce County Refuse (LeMay) filed with the Commission a request to retain thirty percent of the revenue LeMay receives from the sale of recyclable materials that it collects in its residential collection service.
  
- 2 RCW 81.77.185 states that the Commission shall allow solid waste collection companies collecting recyclable materials to retain up to thirty percent of the revenue paid to the companies for the material if the companies submit a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The statute further requires that the remaining revenue shall be passed to residential customers.
  
- 3 On February 9, 2009, Pierce County provided Staff with an approved revenue sharing plan between LeMay and the County for calendar year 2009. The plan sets forth specific actions that LeMay will take including: working with Pierce County to develop a coordinated public outreach program; collecting, evaluating and reporting data; and, meeting the customer service requirements of Pierce County Code, Chapter 8.29. The plan states that the retained revenue will be used by the Company to:

- Continue to promote the use of 96-gallon recycling carts for new users;
- Continue to provide New Customer information packets to new subscribers. The New Customer information packets outlines garbage, recycling and yardwaste services provided in areas regulated by the Commission;
- Include notes in customer billings relating to Holiday tree recycling. Customer billings also provide information on the advantages and benefits of recycling and yardwaste;
- Conduct recycling stream characterization efforts to improve accuracy of recycling data and work with Pierce County Solid Waste to better assess recycling efforts in Pierce County;
- Continue to work with Pierce County Solid Waste to keep their website current;
- Distribute flyers for the recycling center located in Parkland;
- Reach out to the community, mainly through schools, to encourage and promote recycling efforts;
- Participate in regional meetings, city councils, Washington Refuse and Recycling Association (WRRRA), etc to discuss strategies for increasing recycling within the State;
- Work with multi-family complexes to educate and help divert more recycling. Site visits and audits are done continuously done with multi-family complexes to increase awareness and outline the benefits of recycling; and
- Work with Pierce County to develop new brochures and signs for multi-family complexes.

4 LeMay's recycling plan is accompanied by correspondence signed by Stephen Wamback, Solid Waste Administrator for Pierce County. Mr. Wamback states that the County reviewed LeMay's performance under the recycling plan developed for Pierce County's Single-Cart Recycling Program and that LeMay is in compliance. Mr. Wamback therefore recommends that LeMay be allowed to continue to retain thirty percent of the residential recycling commodity revenue provided by the plan and authorized by RCW 81.77.185.

5 Staff recommends that the Commission accept the county's recommendation that LeMay retain thirty percent of the revenue generated from the sale of recyclable commodities collected from residential recycling customers.

### 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 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.*
- 7 (2) This matter came before the Commission at its regularly scheduled meeting on February 26, 2009.
- 8 (3) LeMay is engaged in the business of providing solid waste services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 9 (4) After reviewing LeMay's plan to use thirty percent of the revenues retained from the sale of recyclable materials generated from its residential recycling program to increase recycling and Pierce County's certification that the plan is consistent with the local government solid waste plan, the Commission finds that it should approve the Company's proposed revenue sharing plan and authorize LeMay to retain thirty percent of the revenue received from the sale of recyclable materials collected from residential recycling customers.

### ORDER

#### THE COMMISSION ORDERS:

- 10 (1) Harold LeMay Enterprises, Inc., dba Pierce County Refuse is approved to retain thirty percent of the revenue from the sale of recyclable materials collected from residential recycling customers.
- 11 (2) The Commission delegates to the Executive Secretary the authority to approve by letter all compliance filings required by this Order.

- 12 (3) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., dba Pierce County Refuse to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 26, 2009.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**DAVID W. DANNER, Executive Director and Secretary**