

Agenda Date: November 28, 2007  
Item Numbers: B1, B2 and B3

**Dockets:** TG-071877, TG-071878 and TG-071879  
**Company Name:** Harold LeMay Enterprises, Inc., G-98  
d/b/a Pacific Disposal and Butlers Cove Refuse Service  
d/b/a Joe's Refuse  
d/b/a Rural Garbage Service

**Staff:** Nicki Johnson, Regulatory Analyst  
Dennis Shutler, Consumer Program Specialist

### **Recommendation**

1. Dismiss the Complaint and Order Suspending the Tariff Revisions 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.
2. Make the temporary rates permanent effective December 1, 2007.

### **Discussion**

On September 17, 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 rates to implement a new multi-family recycling program in all of its Thurston County service areas. The tariff filings affect approximately 600 commercial garbage customers.

On October 24, 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 November 1.

Thurston County Ordinance No. 13696, approved by the Thurston County Board of County Commissioners on December 4, 2006, amended the county code and established modified single-stream residential recycling collection service as the new standard. The county's ordinance applies to both single-family and multi-family customers. The company implemented the single-family program in the spring of this year.

Ordinance No. 13696 defines a multi-family residence as any residential structure containing two or more dwelling units where the structure is billed for solid waste service as a whole and not by individual dwelling units. Multi-family recycling under this definition includes dwellings ranging from duplexes to apartment buildings or mobile home parks. These proposed filings represent the first time the county has requested that the commission regulate and set rates for multi-family recycling. The ordinance directs the company to begin implementation of the multi-family program in the fall of 2007.

The company proposed a monthly collection charge of \$4.32 per dwelling unit. The company also

proposed a \$1.30 credit per dwelling unit to reflect the anticipated resale value of the recycled materials. The recycling charge is mandatory whether a customer participates. The proposed effective date of the tariff change is November 1; however, the proposed tariff contains an implementation period that runs until April 1, 2008. Rates will be charged only within 15 days of either the customers receiving containers or being offered service.

Staff and the company negotiated a revised multi-family collection rate of \$3.84 per dwelling unit, which is \$.48 less per month than the proposed rate. The proposed \$1.30 credit per dwelling unit for the resale value of the recycled materials appears to be appropriate.

Three customers commented on the proposed filing. On November 2, the Consumer Affairs staff sent a letter to these three customers advising them of the staff's recommended revised rates. No customers commented on the revised rates.

A count of issues from these customers is as follows:

<b>Issue</b>	<b>Count of Issues Out of 3 Comments Received</b>
Insufficient customer notice <sup>1</sup>	1
In favor of mandatory recycling	1
Objects to increase	1

<sup>1</sup> The company's customer notice complied with the commission's rules.

### **Conclusion**

Staff recommends that the commission dismiss the Complaint and Order Suspending the Tariff Revisions 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 in Dockets TG-071877, TG-071878 and TG-071879 and make the temporary rates permanent effective December 1, 2007.