

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

WASHINGTON UTILITIES AND)	DOCKET TG-120073
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	
v.)	
)	NOTICE OF PREHEARING
HAROLD LEMAY ENTERPRISES,)	CONFERENCE
INC., d/b/a PIERCE COUNTY)	(Set for September 26, 2012,
REFUSE, G-98,)	at 1:30 p.m.)
)	
Respondent.)	
)	
.....)	

- 1 On January 13, 2012, Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse (LeMay or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 9, designated as Tariff pages 1 and 21.
- 2 LeMay proposes to increase the amount it pays to customers for the value of the recyclable materials that it collects in its residential recycling collection service. The monthly credit for customers would increase from \$0.91 to \$1.97.
- 3 On January 30, 2012, LeMay filed a substitute revised page 21 reducing the proposed credit from \$1.97 to \$1.75, to reflect \$139,812 less in commodity sales proceeds received from LeMay’s recycling processor, SP Recycling.
- 4 On February 23, 2012, the Commission, by Order 01, suspended operation of the tariff, allowing revenue sharing and recyclable commodity revenue adjustments on a temporary basis, subject to refund.
- 5 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to RCW 81.77. The statutes that apply to this matter include RCW 81.04 and RCW 81.28 relating to rates, including but not limited to RCW 81.01.010 and RCW 81.04.020. The rules that

apply to this matter include those within WAC 480-70, relating to solid waste collection companies.

6 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

7 The Commission finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a).

8 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on September 26, 2012, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. **Parties are encouraged to consult informally prior to the prehearing conference to develop a proposed schedule for the Commission's consideration.**

10 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

12 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Gregory J. Trautman
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
gtrautma@utc.wa.gov

Respondent: Harold LeMay Enterprises, Inc.
d/b/a Pierce County Refuse
4111 192nd St. E
Tacoma, WA 98446

Representative: David W. Wiley
Attorney at Law
Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101
(206) 233-2895
dwiley@williamskastner.com

- 13 Administrative Law Judge Gregory J. Kopta from the Commission's Administrative Law Division, will preside during this proceeding.
- 14 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective September 12, 2012.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____