

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

In the Matter of the Petition of)	DOCKET TG-110103
)	
WASHINGTON UTILITIES AND)	ORDER 02
TRANSPORTATION)	
COMMISSION,)	
)	
Complainant,)	
)	
v.)	
)	
HAROLD LEMAY ENTERPRISES,)	ORDER DISMISSING
INC., D/B/A PIERCE COUNTY)	COMPLAINT AND ORDER
REFUSE, G-98)	SUSPENDING TARIFF
)	REVISIONS; GRANTING TARIFF
Respondent.)	REVISIONS
.....)	

BACKGROUND

1 On January 13, 2011, 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, pages 1, 16, 21, 22, 26, 30, 32, 33, 34 and 35 to:

- Increase rates due to a disposal fee increase from \$112.94 per ton to \$123.29 per ton effective March 1, 2011; and
- Revise its monthly recyclable commodity revenue adjustment for residential customers from a \$0.22 debit to a \$0.91 credit; a decrease in customer bills of \$1.13 per customer per month.

The Company also requested on January 13, 2011, authority to retain fifty percent of the revenue generated from the sale of recyclable commodities.

2 The filing in this Docket contain issues related to the use of unspent revenue from the sale of recyclable commodities retained by the Company, recyclable commodity credits returned to customers and fifty percent revenue sharing. The Commission previously initiated hearings to determine those same issues in Dockets TG-101542, TG-101545 and TG-101548. On February 25, 2011, the Commission entered a Complaint and Order Suspending Tariff Revisions but allowing the revised monthly recyclable commodity revenue adjustment for residential customers and fifty percent revenue retention from the

sale of recyclable materials on a temporary basis, subject to refund, until such time as a determination has been made in Dockets TG-101542, TG-101545 and TG-101548. Also on February 25, 2011, the increased rates resulting from a disposal fee increase were not suspended by the Commission and were allowed to go into effect on a permanent basis.

- 3 On May 6, 2011, the Commission made its determination in Dockets TG-101542, TG-101545 and TG-101548, by issuing Order 05 in Docket TG-101542 (Order 05). Order 05 granted, in part, the petitions for reconsideration made in Dockets; TG-101542, TG-101545 and TG-101548, and made conclusions on the issues of law arising out of interpretation of RCW 81.77.185. Since the issues in this Docket are identical to those in Dockets TG-101542, TG-101545 and TG-101548, it is appropriate to dismiss the Complaint and Order Suspending Tariff Revisions.

FINDINGS AND CONCLUSIONS

- 4 (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.*
- 5 (2) 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.
- 6 (3) This matter was brought before the Commission at its regularly scheduled meeting on August 11, 2011.
- 7 (4) The tariff revisions filed by LeMay on January 13, 2011, increase residential recycling commodity credits.
- 8 (5) The Commission's decision in Dockets TG-101542, TG-101545 and TG-101548, show that the tariff revisions presently under suspension are fair, just and reasonable. Pierce County certified that LeMay is in compliance with the provisions of its newly negotiated Commodity Revenue Sharing Plan. Pierce

County recommends that LeMay be allowed to continue retaining up to fifty percent of the value of the commodities sold.

- 9 (6) After review of the tariff revisions filed in Docket TG-110103 by LeMay and giving due consideration, including the recommendations of Pierce County, the Commission finds it is consistent with the public interest that the Complaint and Order Suspending Tariff Revisions in Docket TG-110103, dated February 25, 2011, be dismissed and the tariff revisions to Tariff No. 9 become effective permanently.

O R D E R

THE COMMISSION ORDERS:

- 10 (1) The Complaint and Order Suspending Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse's Tariff Revisions in Docket TG-110103, dated February 25, 2011, is dismissed.
- 11 (2) The tariff revisions filed in this docket on January 13, 2011, shall become effective on August 12, 2011, on a permanent basis.

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 August 11, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary