

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

WASHINGTON UTILITIES AND	)	DOCKET TG-080671
TRANSPORTATION COMMISSION,	)	
	)	ORDER 01
Complainant,	)	
	)	
v.	)	
	)	
HAROLD LEMAY ENTERPRISES,	)	
INC., D/B/A/PACIFIC DISPOSAL	)	
AND BUTLERS COVE REFUSE	)	
SERVICE,	)	COMPLAINT AND ORDER
G-98	)	SUSPENDING TARIFF; ALLOWING
	)	RATES ON A TEMPORARY BASIS,
Respondent.	)	SUBJECT TO REFUND
.....	)	

**BACKGROUND**

- 1      On April 17, 2008, Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service (Pacific Disposal) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff 7.8. The stated effective date is June 1, 2008.
- 2      In this filing, Pacific Disposal proposes to increase solid waste rates. Pacific Disposal’s proposed rates were designed to increase revenues by \$400,000 (3.0 percent) annually. Commission Staff’s review revealed that the proposed rates were excessive. Staff and Pacific Disposal negotiated revised rates that would increase annual revenues by approximately \$353,000 (2.7 percent). On May 22, 2008, Pacific Disposal filed revised, lower rates on substitute tariff pages to reflect this reduced revenue level.
- 3      The Commission received comments from 19 customers concerning Pacific Disposal’s original April 17, 2008, filing. The majority of the comments concerned Pacific Disposal’s proposal to increase solid waste rates, rather than finding ways to decrease costs. The customers have not yet had the opportunity to comment on the proposed revised rates filed by Pacific Disposal on May 22, 2008.
- 4      Customers deserve to know about, and comment on, the proposed revised rates. The Commission should consider all information, including any additional customer

comments on the revised rates, in deciding whether to conduct an evidentiary hearing on the revised rates. Pacific Disposal, therefore, has not yet demonstrated the revised rates are fair, just, reasonable and sufficient.

- 5 The proposed revised rates might injuriously affect the rights and interests of the public. The Commission therefore suspends the tariff filing. The Commission accepts the proposed revised rates as temporary rates and allows those revised rates to become effective on June 1, 2008, on a temporary basis, subject to refund.

### 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 rates, 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) Pacific Disposal is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on May 28, 2008.
- 9 (4) The tariff revisions Pacific Disposal filed on April 17, 2008, and the substitute pages filed on May 22, 2008, would increase charges and rates for service Pacific Disposal provides.
- 10 (5) Pacific Disposal has not yet demonstrated that the provisions for the rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates filed on May 22, 2008, to become effective June 1, 2008, on a temporary basis, subject to refund.
- 11 (6) In addition, the Commission invokes the rights, remedies and procedures contained in the reparations statute; RCW 81.04.220, to the extent the Commission finds that any rate subject to this investigation is excessive or exorbitant.

- 12 (7) Pacific Disposal may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with RCW 81.20.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 (1) The tariff revisions Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service filed on April 17, 2008, are suspended.
- 14 (2) The proposed revised tariff Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service filed on May 22, 2008, shall become effective on June 1, 2008, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 15 (3) The Commission may hold hearings if needed at such times and places as required.
- 16 (4) Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service must not change or alter the tariff pages filed in this docket during the suspension period, unless the Commission authorizes the change in this docket.
- 17 (5) The Commission will institute an investigation of Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service's books, accounts, practices, activities, property and operations as necessary and as described above.
- 18 (6) Harold LeMay Enterprises, Inc., d/b/a/Pacific Disposal and Butlers Cove Refuse Service shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective May 28, 2008.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**MARK H. SIDRAN, Chairman**

**PATRICK J. OSHIE, Commissioner**

**PHILIP B. JONES, Commissioner**