

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Tariff Revisions to)	DOCKET TG-130056
Increase Rates Due to a Disposal Fee)	
Increase Filed by)	ORDER 01
)	
)	
)	ORDER GRANTING EXEMPTION
HAROLD LEMAY ENTERPRISES, INC.,)	FROM RULE AND ALLOWING
DBA PIERCE COUNTY REFUSE,)	TARIFF REVISIONS TO BECOME
)	EFFECTIVE BY OPERATION OF
Certificate G-98)	LAW
.....)	

BACKGROUND

- 1 On January 15, 2013, Harold LeMay Enterprises, Inc., dba Pierce County Refuse (LeMay or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to Tariff No. 9 to increase rates due to a disposal fee increase. The Company filed revised tariff pages on January 15, January 23, January 28 and February 21. The Company serves approximately 112,500 customers in Pierce County and Joint Base Lewis-McChord (JBLM). The Company’s last general rate increase became effective on November 1, 2011.
- 2 On March 1, 2013, Pierce County will increase disposal fees from \$130.35 to \$137.08 per ton, except for waste collected on JBLM, which will increase from \$90.60 per ton to \$95.36 per ton. The proposed rate increase would generate approximately \$637,000 (2.8 percent) additional annual revenue and become effective March 1, 2013.
- 3 A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505. WAC 480-07-520 lists the minimum required information the Company must provide in a general rate increase filing. The Company provided information pertinent to the disposal fee but did not provide the remainder of the information required by the rule and requested an exemption from the work paper filing requirements of WAC 480-07-520.
- 4 WAC 480-07-110 allows the Commission to grant an exemption from or modify the application of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-70-051.

5 Commission Staff reviewed the proposed tariff revisions together with other factors and recommends the Commission allow the tariff to become effective by operation of law, and grant the Company's request for an exemption from WAC 480-07-520, work paper filing requirements for this filing for the following reasons:

- (a) There have not been any significant changes since the last rate case that became effective on November 1, 2011. Reviewing the rate case documents, customer numbers are relatively unchanged, inflation has been low, and the Company has not changed its collection methods.
- (b) The increased disposal fees are set by Pierce County and are required as a part of the Company's operations.
- (c) The Company's financial information supports the proposed revenue requirement and the proposed rates.
- (d) Staff concluded the proposed rate increase, by reason of the increase in disposal fees, is fair, just, and reasonable.

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) 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.
- 8 (3) LeMay is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals. The Company requested an exemption from WAC 480-07-520.
- 9 (4) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule in WAC 480-07, if consistent with the public interest, the

purpose underlying regulation and applicable statutes. See also WAC 480-70-051.

- 10 (5) This matter came before the Commission at its regularly scheduled meeting on February 28, 2013.
- 11 (6) After review of the tariff revisions filed in Docket TG-130056 by LeMay on January 15, 2013, as revised on January 15, January 23, January 28 and February 21, and giving due consideration, the Commission finds:
- (a) The Company's request for an exemption from general rate increase filing requirements set forth in WAC 480-07-520 is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted; and
 - (b) It is in the public interest to allow the revisions to Tariff No. 9 to become effective on March 1, 2013, by operation of law.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, Harold LeMay Enterprises, Inc., dba Pierce County Refuse, is granted an exemption from WAC 480-07-520, for purposes of the tariff revisions filed in Docket TG-130056 on January 15, 2013.
- 13 (2) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., dba Pierce County Refuse to effectuate the provisions of this Order.
- 14 (3) The Commission takes no action on the tariff revisions implementing the disposal fee increase and allows them to become effective on March 1, 2013, by operation of law.

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 28, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary