

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

In the Matter of the Petition of	)	DOCKET TG-121044
	)	
HAROLD LEMAY ENTERPRISES,	)	ORDER 01
INC. d/b/a PACIFIC DISPOSAL AND	)	
BUTLERS COVE REFUSE	)	
SERVICE, G-98,	)	
	)	
Petitioner,	)	
	)	
Seeking Exemption from the	)	
Provisions of WAC 480-07-520(4)	)	ORDER GRANTING
Relating to Supporting Work Papers	)	EXEMPTION FROM RULE
.....	)	

**BACKGROUND**

- 1 Docket TG-121044 involves a proposed tariff revision filed with the Washington Utilities and Transportation Commission (Commission) by Harold LeMay Enterprises, Inc. (LeMay or Company), d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service (Pacific or Petitioner collectively) on June 15, 2012, that would generate approximately \$1,353,389, (7.8 percent) additional annual revenue.
- 2 On June 15, 2012, and amended on July 17, 2012, LeMay filed a petition requesting an exemption from the work paper filing requirements set out in WAC 480-07-520(4).
- 3 WAC 480-07-520(4) requires LeMay to file work papers that contain detailed financial data for LeMay, its affiliated interests, and its business units. The plain language of the rule requires these work papers to address LeMay finances as a whole, not a limited subset of one or more business units.
- 4 LeMay states that the type of detail required under subsection 4(a) and the revenue impact of the proposed tariff under subsection 4(b) for LeMay as a whole would work a substantial hardship on the Company at present and, for instance, closely reviewed pro forma income statements for the whole Company separated by individual classes of service are not presently available. Moreover, the focal revenue impact of the proposed tariff revision in this general rate case will only directly affect the tariff filing subdivision, Pacific Disposal and Butlers Cove Refuse.

5 Pacific requested the Commission to grant an exemption from WAC 480-07-520(4) consistent with the following:

- (a) WAC 480-07-520(4)(a) (*detailed pro forma income statement*) – Petitioner asks that the filing requirements be limited to Pacific, the tariff filing entity, instead of LeMay.
- (b) WAC 480-07-520(4)(b) (*revenue impact calculation for proposed tariff revisions*) – Petitioner asks that the calculation of the revenue impact for proposed tariff provisions be limited to Pacific, the tariff filing entity, instead of LeMay.
- (c) WAC 480-07-520(4)(c) (*income statement listing all revenue and expense accounts by month*) – No exemption requested.
- (d) WAC 480-07-520(4)(d) (*detailed separation of all revenue and expenses between regulated/nonregulated operations if nonregulated revenue exceeds ten percent of total company test period revenue*) – No exemption requested.
- (e) WAC 480-07-520(4)(e) (*detailed list of all nonregulated operations, including the rates charged for the services rendered*) – Petitioner asks that the filing requirements be limited to Pacific, the tariff filing entity, instead of LeMay.
- (f) WAC 480-07-520(4)(f) (*detailed price-out information*) – For the purposes of this filing, Petitioner asks that the reconciled price-out information pertain to Pacific, the tariff filing entity, instead of LeMay.
- (g) WAC 480-07-520(4)(g) (*consolidated balance sheet*) – No exemption requested.
- (h) WAC 480-07-520(4)(h) (*detailed depreciation schedule*) – No exemption requested.
- (i) WAC 480-07-520(4)(i) (*computed average investment*) – No exemption requested.

(j) *WAC 480-07-520(4)(j) (information about every transaction with affiliated interests or subsidiaries)* –Petitioner requests that the filing requirements be limited to Pacific, the tariff filing entity, instead of LeMay.

6 Staff reviewed Pacific’s request for an exemption from WAC 480-07-520(4) and recommends that the Commission grant that request, as set forth above.

### FINDINGS AND CONCLUSIONS

- 7 (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.
- 8 (2) Harold LeMay Enterprises, Inc., 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.
- 9 (3) Harold LeMay Enterprises, Inc., is subject to WAC 480-07-520(4), which requires the Company to file work papers that contain detailed financial data for the Company, its affiliated interests, and its business units. The plain language of the rule requires these work papers to address Harold LeMay Enterprises, Inc.’s finances as a whole, not a limited subset of one or more business units.
- 10 (4) Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service are business units of Harold LeMay Enterprises, Inc., and collect solid waste under one of its six tariffs.
- 11 (5) Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service filed proposed tariff revisions on June 15, 2010, seeking to increase rates in its Pacific Disposal and Butlers Cove Refuse Service business units by approximately \$1,353,389, (7.8 percent).
- 12 (6) In support of its proposed tariff revisions, Harold LeMay Enterprises, Inc., filed work papers containing financial information only for Harold LeMay Enterprises,

Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service business units, but not for the entirety of Harold LeMay Enterprises, Inc., operations.

- 13 (7) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 14 (8) This matter came before the Commission at its regularly scheduled meeting on August 9, 2012.
- 15 (9) After review of the petition filed in Docket TG-101706 by Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service on June 15, 2010, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 16 (1) After the effective date of this Order, Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service's Petition for Partial Exemption from WAC 480-07-520(4) is granted, as set forth in paragraph five.
- 17 (2) The exemption granted to Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service in this Order applies only to the general rate proceeding in Docket TG-121044.
- 18 (3) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., d/b/a Pacific Disposal and d/b/a Butlers Cove Refuse Service to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective August 9, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary