

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

WASHINGTON UTILITIES AND)	DOCKET TG-101850
TRANSPORTATION)	
COMMISSION,)	ORDER 02
)	
Complainant,)	
)	
HAROLD LEMAY ENTERPRISES,)	
INC. d/b/a HARBOR DISPOSAL)	
COMPANY AND EGH DISPOSAL,)	ORDER ALLOWING TARIFF
G-98,)	REVISIONS ON LESS THAN
)	STATUTORY NOTICE;
Respondent)	GRANTING EXEMPTIONS FROM
.....)	RULES

BACKGROUND

- 1 On November 15, 2010, Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal (Harbor or Company) filed with the Utilities and Transportation Commission (Commission) tariff revisions to its currently effective tariff No. 12 designated as 4th revised page No. 1, 1st revised page No. 13, 1st revised page No. 14, 1st revised page No. 15, 1st revised page No. 16, 1st revised page No. 18, 1st revised page No. 19, 3rd revised page No. 20, 1st revised page No. 21, 1st revised page No. 22, 1st revised page No. 23, 1st revised page No. 25, 1st revised page No. 27, 2nd revised page No. 29, 1st revised page No. 30, 1st revised page No. 31, original page No. 32, 1st revised page No. 33, 1st revised page No. 34c. The purpose of the filing is to increase rates due to increased cost for labor, healthcare, pension, maintenance and fuel. The stated effective date is January 1, 2011. Harbor’s last general rate increase became effective on January 1, 2007.
- 2 In this filing, Harbor proposes to increase charges and rates for solid waste and residential recycle services it provides by approximately \$692,000 (22.8 percent). Harbor provides regulated service to approximately 7,300 residential and commercial customers in Grays Harbor County.
- 3 Staff’s analysis showed a higher revenue requirement for residential and commercial garbage collection, and a lower revenue requirement for residential recycling than what the Company proposed.

- 4 Staff and the Company agreed to a revised revenue requirement of approximately \$634,000 (21 percent) in additional annual revenue and revised rates. On December 14, 2010, the Company filed revised rates at Staff recommended levels. The revised rates for residential and commercial garbage collection are higher than what the Company originally filed, and the revised rates for residential recycling are lower than what the Company originally filed.
- 5 The Company requests an exemption from Washington Administrative Code (WAC) 480-70-266, Tariffs, to allow the revised rates to become effective on January 1, 2011, on less than statutory notice, and an exemption from WAC 480-70-271, Customer Notice, to allow the Company to notify customers affected by the increased revised rates in the next billing cycle.
- 6 RCW 81.28.050 and WAC 480-70-266 require forty-five days' notice to the Commission prior to the effective date of the tariff. The Company requests, however, less than statutory notice as permitted by WAC 480-70-276, so that the tariff revisions become effective on January 1, 2011. The Company must request less than statutory notice because the revised rates result in some increases compared to the rates the Company originally proposed.
- 7 WAC 480-70-271 requires solid waste companies to provide each affected customer a notice at least thirty days before the requested effective date of the proposed rate increase. For the same reason(s) listed in seeking less than statutory notice to the Commission, the Company seeks such an exemption from customer notice requirements. The Company originally notified customers of the proposed rates filed on December 1, 2011, and requests an exemption from the customer notice rule to allow the Company to notify customers by bill insert in the next billing cycle.
- 8 Staff has completed its audit and determined that the Company's financial information supports the revised rates for residential and commercial garbage collection and residential recycling services. Staff recommended that the Commission allow the revised rates to become effective January 1, 2011, on a permanent basis, on less than statutory notice, and that the Commission grant the Company's request for an exemption from WAC 480-70-271, regarding notice to customers.

- 9 At the December 30, 2010, open meeting, the Commission required the Company to report back to the Commission within thirty days from the date of any amendment to Grays Harbor County's solid waste ordinance regarding the Company's service levels.

FINDINGS AND CONCLUSIONS

- 10 (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.
- 11 (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.
- 12 (3) This matter came before the Commission at its regularly scheduled meeting on December 30, 2010.
- 13 (4) Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal is a business unit of Harold LeMay Enterprises, Inc., and collects solid waste under one of its six tariffs.
- 14 (5) Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal filed proposed tariff revisions on November 15, 2010, seeking to increase rates by approximately \$692,000 (22.8 percent). Staff's analysis showed a higher revenue requirement for residential and commercial garbage collection, and a lower revenue requirement for residential recycling service than what the Company proposed. Staff and the Company agreed to a revised revenue requirement of approximately \$636,000 (21 percent) in additional annual revenue and revised rates. On December 14, 2010, the Company filed revised rates at Staff recommended levels.
- 15 (6) The revised tariff revisions are fair, just, reasonable and sufficient because Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal has

demonstrated that it requires additional revenues and has filed revised rates at Staff's recommended levels.

- 16 (7) The Company requests an exemption from Washington Administrative Code (WAC) 480-70-266, Tariffs, to allow the revised rates to become effective on January 1, 2011, on less than statutory notice, and an exemption from WAC 480-70-271, Customer Notice, to allow the Company to notify customers affected by the increased revised rates in the next billing cycle.
- 17 (8) RCW 81.28.050 and WAC 480-70-266 require forty-five days' notice to the Commission prior to the effective date of the tariff. The Company requests, however, less than statutory notice as permitted by WAC 480-70-276, so that the tariff revisions become effective on January 1, 2011. The Company requests less than statutory notice because the revised rates result in some increases compared to the rates the Company originally proposed and sent notice to customers.
- 18 (9) Under WAC 480-70-271, solid waste companies must provide each affected customer a notice at least thirty days before the requested effective date of the proposed rate increase. For the same reason(s) listed in seeking less than statutory notice to the Commission, the Company seeks such an exemption from customer notice requirements. The Company originally notified customers of the proposed rates filed on December 1, 2010, and requests an exemption of the customer notice rule to allow the Company to notify customers by bill insert in the next billing cycle.
- 19 (10) After review of the tariff revisions filed in Docket TG-101850 by Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal on December 14, 2010, and giving due consideration, the Commission finds that the exemptions are in the public interest and are consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 20 (1) The tariff revisions Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal filed in this docket on December 14, 2010, shall become effective on January 1, 2011, on a permanent basis.
- 21 (2) After the effective date of this Order, Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal is granted an exemption from WAC 480-70-266, to allow the revised rates to become effective January 1, 2011, on less than statutory notice.
- 22 (3) After the effective date of this Order, Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company and EGH Disposal is granted an exemption from WAC 480-70-271, concerning customer notice requirements and shall notify customers on the next billing.
- 23 (4) Harold LeMay Enterprises, Inc., d/b/a Harbor Disposal Company must report to the Commission within thirty days from the date of any amendment to Grays Harbor County's solid waste ordinance regarding the Company's service levels.

DATED at Olympia, Washington, and effective December 30, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner