

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-120073
TRANSPORTATION COMMISSION,)	
)	ORDER 02
Complainant,)	
)	
v.)	PREHEARING CONFERENCE
)	ORDER
HAROLD LEMAY ENTERPRISES,)	
INC., d/b/a PIERCE COUNTY)	
REFUSE, G-98,)	
)	
Respondent.)	
)	
.....)	

- 1 **NATURE OF PROCEEDING.** On January 13, 2012, 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, designated as Tariff pages 1 and 21. LeMay proposes to increase the amount it pays to customers for the value of the recyclable materials that it collects in its residential recycling collection service. The monthly credit for customers would increase from \$0.91 to \$1.97.
- 2 On January 30, 2012, LeMay filed a substitute revised page 21 reducing the proposed credit from \$1.97 to \$1.75, to reflect \$139,812 less in commodity sales proceeds received from LeMay’s recycling processor, SP Recycling.
- 3 On February 23, 2012, the Commission, by Order 01, suspended operation of the tariff, allowing revenue sharing and recyclable commodity revenue adjustments on a temporary basis, subject to refund.
- 4 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on September 26, 2012, before Administrative Law Judge Gregory J. Kopta.

5 **APPEARANCES.** David W. Wiley, Williams, Kastner & Gibbs PLLC, Seattle, Washington, represents Harold LeMay. Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

6 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

7 **CONSOLIDATION.** The disputed issue in this docket is identical to one of the issues presented for resolution in Dockets TG-111672, TG-111674, and TG-111681 (consolidated). The presiding officer, therefore, proposed that this docket be consolidated with those dockets for purposes of rendering a Commission decision. Counsel for Harold LeMay requested time to consult with his client and represented that he would provide any objection to consolidation by October 3, 2012. The Commission received no objection to consolidation by that date and therefore will enter a separate order consolidating all of these dockets.

8 **WAIVER OF INITIAL ORDER.** The parties agreed during the conference to waive an initial order in this docket, and they will each file letters with the Commission confirming this waiver.

9 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If parties see a need for discovery, any party may move that the Commission make the Commission's discovery rules available.

10 **PROCEDURAL SCHEDULE.** The parties agreed to submit the disputed issue to the Commission for resolution through cross-motions for summary determination according to the same schedule established in Dockets TG-111672, TG-111674, and TG-111681 (consolidated), which is attached to this Order as Appendix B.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus nine (9) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 12 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus nine (9) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding.
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

16 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective October 5, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TG-120073**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Harold LeMay Enterprises, Inc. d/b/a Pierce County Refuse	4111 192 nd St. E Tacoma, WA 98446			
	David W. Wiley Attorney at Law Williams, Kastner & Gibbs PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101	206-233-2895	206-628-6611	dwiley@williamskastner.com
Commission Staff	Gregory J. Trautman Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	360-586-5522	gtrautma@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-120073

EVENT	DATE
Simultaneous Cross-Motions for Summary Determination	October 26, 2012
Simultaneous Responses	November 9, 2012