

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TG-120839
	)	
HAROLD LEMAY ENTEPRISES, INC.,	)	ORDER 01
	)	
Petitioner,	)	
	)	ORDER GRANTING EXEMPTION
	)	FROM RULE; GRANTING
Seeking Exemption from the provisions of	)	COMPANY ADDITIONAL TIME TO
WAC 480-70-079 Relating to Filing of	)	FILE AFFILIATED INTEREST AND
Affiliated Interest and Subsidiary	)	SUBSIDIARY TRANSACTIONS
Transactions Report.	)	REPORT
.....	)	

**BACKGROUND**

- 1 On June 4, 2012, Harold LeMay Enterprises, Inc. (LeMay or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2011 Affiliated Interest and Subsidiary Transactions report as required by WAC 480-70-079. According to LeMay, it is unable to prepare the report due to resource constraints required for completing annual reports for both LeMay and Waste Connections of Washington, Inc., companies as well as general rate and recyclable commodity revenue adjustment filings due at the same time. LeMay seeks an extension until August 1, 2012.
- 2 Commission Staff reviewed the request and recommended granting LeMay’s request for exemption, subject to the condition that the Company files its completed report by August 1, 2012.

**FINDINGS AND CONCLUSIONS**

- 3 (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.
- 4 (2) LeMay is a solid waste company and a public service company subject to Commission jurisdiction.
- 5 (3) LeMay is subject to WAC 480-70-079, which requires solid waste companies to file and Affiliated Interest and Subsidiary Transactions report by June 1 of each year.

- 6 (4) Under WAC 480-07-110, the Commission may grant an exemption from or modify the application of its rules in individual cases if consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on June 28, 2012.
- 8 (6) After review of the petition filed in Docket TG-120839 by LeMay on June 4, 2012, 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.

**O R D E R**

**THE COMMISSION ORDERS:**

- 9 (1) The request by Harold LeMay Enterprises, Inc., for an exemption from WAC 480-70-079 and for an extension until August 1, 2012, to file its 2011 Affiliated Interest and Subsidiary Transactions report is granted.
- 10 (2) Failure by Harold LeMay Enterprises, Inc., to file its 2011 annual report by August 1, 2012, may result in the Commission invoking RCW 81.04.405, which allows the Commission to assess penalties for violations of statute, rule, and Commission orders.
- 11 (3) The Commission retains jurisdiction over the subject matter and Harold LeMay Enterprises, Inc., to effectuate the provisions of this Order.

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 June 28, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary