

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Tariff Revisions to	)	DOCKET TG-143861
Increase Rates Due to a Disposal Fee	)	
Increase Filed by	)	ORDER 01
	)	
HAROLD LEMAY ENTERPRISES,	)	
INC., DBA HARBOR DISPOSAL AND	)	
EASTERN GRAYS HARBOR	)	
DISPOSAL,	)	
	)	ORDER GRANTING EXEMPTION
Certificate G-98	)	FROM RULE
.....	)	
.		

**BACKGROUND**

- 1      On November 12, 2014, Harold LeMay Enterprises, Inc. (LeMay or Company), dba Harbor Disposal and Eastern Grays Harbor Disposal (Harbor Disposal) filed with the Washington Utilities and Transportation Commission (Commission) revisions to Tariff 12 to recover the increased cost of disposal fees. The Company serves approximately 7,600 customers in Grays Harbor County. The Company’s last general rate increase became effective on January 1, 2014.
- 2      On January 1, 2015, Grays Harbor County will increase disposal fees from \$94.00 per ton to \$95.20 per ton at the Central Transfer Station. Staff’s analysis shows the Company’s proposed rate increase to recover these increased fees would generate approximately \$13,100 (.5 percent) additional annual revenue and become effective January 1, 2015.
- 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 increase for the Harbor Disposal business unit but did not provide the remainder of the information required by the rule and did not request an exemption from the work paper filing requirements of WAC 480-07-520(4).
- 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 WAC 480-07-370(1)(b)(i) states, in part, that the Commission may undertake an action  
that would be the proper subject of a party's petition, such as authorizing exemption from  
a Commission rule, without receiving a petition from a party.

6 Commission Staff reviewed the proposed tariff request together with other factors and  
recommends the Commission allow the tariff to become effective by operation of law,  
and, on its own motion, grant the Company an exemption from WAC 480-07-520(4),  
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 January 1, 2014. 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 Grays Harbor 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.

### **DISCUSSION**

7 The Commission concurs with Staff's recommendation. The purpose of the work paper  
filing requirements in WAC 480-07-520(4) is to provide the Commission with  
information to determine whether a proposed rate increase is fair, just, reasonable, and  
sufficient. Here, the Company has provided sufficient information to enable the  
Commission to make that determination, and providing the additional information the  
rule requires would be unnecessary and unduly burdensome. Accordingly, an exemption  
from this requirement for purposes of the filing in this docket is consistent with the public  
interest and the purposes underlying the rule and should be granted.

### **FINDINGS AND CONCLUSIONS**

8 (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, and accounts of public service companies, including solid waste companies.

- 9 (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.
- 10 (3) Harold LeMay Enterprises, Inc., is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals. The Company did not file the work papers required by WAC 480-07-520(4) and did not request an exemption from WAC 480-07-520(4).
- 11 (4) Harold LeMay Enterprises, Inc., dba Harbor Disposal and Eastern Grays Harbor Disposal, is a business unit of Harold LeMay Enterprises, Inc.
- 12 (5) This matter came before the Commission at its regularly scheduled meeting on December 11, 2014.
- 13 (6) An exemption from the general rate increase filing requirements set forth in WAC 480-07-520(4) for the filing in this docket is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should, on the Commission's own motion, be granted.
- 14 (7) It is in the public interest to allow the revisions to Tariff 12 filed on November 12, 2014, to become effective on January 1, 2015, by operation of law.

### ORDER

- 15 **THE COMMISSION ORDERS**, on its own motion, that Harold LeMay Enterprises, Inc., is exempt from WAC 480-07-520(4), for purposes of the tariff revisions filed in Docket TG-143861 on November 12, 2014.

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 December 11, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary