



**Edwin M. Lee, Mayor**  
**Mohammed Nuru, Director**

**DPW Order No: 181253**

GUIDELINES FOR THE SUBMISSION  
AND TABULATION OF PROTESTS

Applicability; Definitions

These guidelines apply to the Residential Refuse Rate Application filed by Recology Sunset Scavenger, Recology Golden Gate, and Recology San Francisco on March 14, 2013. (The Application only applies to residential customers of the refuse collection companies operating in the City.)

1. "Application" means the application filed by Recology Sunset Scavenger, Recology Golden Gate, and Recology San Francisco on March 14, 2013, for permission to adjust the rates charged by the companies to residential customers for refuse collection and disposal services under the City's Residential Refuse Collection and Disposal Ordinance, codified as Appendix 1 to the San Francisco Administrative Code. The Application would cover residential refuse collection and disposal rates for the period from July 1, 2013, to June 30, 2014, with cost-of-living adjustments annually thereafter.
2. "Customer" means the person or persons responsible for paying for refuse collection and disposal services at a residential premises. The Customer may be either the property owner, or a tenant who is legally responsible for the payment of the refuse collection bill for the premises. A tenant may be required to submit written proof that he/she is legally responsible for the fee at the time the protest is submitted; a tenant's name on a current refuse collection bill for the premises shall constitute proof of responsibility.
3. "Hearing Officer" means the person designated by the Director of Public Works to conduct the rate hearing and prepare the report and recommended order under the 1932 Refuse Collection and Disposal Ordinance.

**IMPORTANT NOTE:**

There are two processes involved in the consideration and possible approval of the Application.



First, there is a majority protest process. If more than half of the ratepayers file a written protest against the Application, for any reason or for no reason, the City will not approve the Application. These Guidelines govern how the protests are to be submitted and counted.

Second, there is a process under the 1932 Refuse Collection and Disposal Ordinance for considering and approving or rejecting the Application on the merits. The procedures for the rate hearing process, including procedures for appealing the Hearing Officer's recommended order to the Rate Board, are included in DPW Order No. 181,252. The Rate Board must find that the proposed Revision is "just and reasonable."

If there is a successful majority protest, then there will be no rate hearing and the City will not approve the Application.

If there is no majority protest, the Hearing Officer will conduct a hearing on the Application and prepare a written report and recommended order on the Application. If no one files written objections to the Director's report and recommended order, the recommended order will become the final order.

If any person files a written objection to the Director's report and recommended order, the Rate Board will hold an appeal hearing and decide whether to approve the Application.

#### Submission of Protests

1. Any Customer may submit a written protest against the Application to the Hearing Officer, either by delivery to:

Refuse Collection Rate Hearing Officer  
c/o Department of Public Works  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 348  
San Francisco, CA 94102

or by submitting the protest at any public hearing on the Application.

2. Each protest must identify the subject premises (by street address or refuse collection account number) and include the signature of the Customer submitting the protest. The Hearing Officer will not accept facsimile or e-mail protests. Although oral comments at the public hearings will not qualify as a formal protest unless accompanied by a written protest, the City welcomes input from the community during the public hearings on the Application.
3. The hearing on the written protests will take place on June 14, 2013, at 1:00 p.m., and will be held in Room 400 at City Hall, located at 1 Dr. Carlton B. Goodlett Place. Protests must be received by the end of that hearing. The Hearing Officer will not accept



or count protests received after the close of the hearing, even if postmarked prior to that time.

4. If there is more than one Customer for a given premises, including either property owners or tenants legally responsible for payment of the refuse collection bills, each Customer may submit a protest, but only one protest will be counted per premises and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that premises.
5. In order to be valid, a protest must indicate clearly that it is in opposition to the Application and must bear the original signature of the Customer submitting the protest for that premises. The Hearing Officer will not count protests not bearing the original signature of a Customer.
6. Any person who submits a protest may withdraw it by submitting to the Hearing Officer a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the subject premises and the name of the Customer who submitted both the protest and the request that it be withdrawn.
7. This written protest procedure is not an election. No election is required with respect to fees or charges for sewer, water or refuse collection service.
8. Failure of any Customer to receive notice shall not invalidate the proceedings.
9. During and after the tabulation, protests shall be treated as disclosable public records, as defined in Government Code section 6252, and available for inspection, pursuant to Government Code section 53753(e)(1).

#### Tabulation of Protests

1. The Hearing Officer shall determine the validity of all protests. The Hearing Officer shall not accept as valid any protest if he or she determines that any of the following conditions exist:
  - a. A protest is not in writing;
  - b. The protest does not identify a residential premises subject to the Application;
  - c. The protest does not bear an original signature of a Customer at the premises identified in the protest;
  - d. The protest does not indicate clearly that it is in opposition to the Application;
  - e. The protest was not received by the Hearing Officer before the close of the public hearing on the written protests; or,



- f. The Hearing Officer has received a request to withdraw the protest prior to the close of the public hearing on the written protests.
2. The Hearing Officer's decision regarding the validity of a protest or a request to withdraw a protest shall constitute a final action of the City and shall not be subject to any internal or administrative appeal.
3. A majority protest exists if written protests are timely submitted and not withdrawn by Customers from a majority of the residential premises subject to the Application.
4. Before the conclusion of the public hearing, the Hearing Officer shall complete the tabulation of all protests received, including those received during any public hearing on the written protests or on the Application, and shall report the results of the tabulation to the City Administrator, acting as Chair of the Refuse Collection and Disposal Rate Board. If review of the protests received demonstrates that the number received is manifestly less than one-half of the residential premises subject to the Application, then the Hearing Officer may advise the Chair of the Rate Board of the absence of a majority protest without determining the validity of all protests.

4/26/2013

**X** Mohammed Nuru

---

Nuru, Mohammed  
Approver 1

