BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	DOCKET TG-011084
Complainant,)	
)	COMPLAINT AND ORDER
v.)	SUSPENDING TARIFF
)	REVISIONS AND GRANTING
Waste Management of Washington,)	TEMPORARY RATES
Inc., d/b/a, Rural Skagit Sanitation.)	SUBJECT TO REFUND AND
G-237)	CONSOLIDATION WITH
)	DOCKETS UT-010988 ET AL.
Respondent.)	
)	

BACKGROUND

- On July 31, 2001, Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation (Rural) filed with the Commission revisions to its currently effective Tariff 15, designated as Supplement 2. The stated effective date is September 15, 2001. Tariff Supplement 2 reflects a 3% utility business activity tax levied by the Swinomish Indian Tribe.
- The filing would increase charges and rates for service provided by Rural. Because those increases might injuriously affect the rights and interests of the public, the Commission suspends the tariff filing and will consolidate the filing with Dockets UT-010988 et al. A prehearing conference has been scheduled on October 22, 2001, for these consolidated filings.
- At the open public meeting of September 12, 2001, Staff indicated that another tribal tax (Lummi Indians) is currently in the tariff of one regulated solid waste company. Staff recommended that the temporary rates be allowed subject to refund until there is a final determination of the complaints. The Swinomish tribal tax has been in effect since August 6, 1998. It was assumed by Rural at that time, since they have a contract with the Swinomish tribe, the tax was not subject to regulatory approval. As the result of a recent informal complaint, Rural determined that regulated customers on the Swinomish reservation were being charged the tribal tax. When the error became known, Rural ceased collecting the tax. Rural is working with the Commission's Consumer Affairs Section to remedy the previous error and has agreed to issue refunds. The filing now recognizes the necessity of regulatory approval of the tax.

FINDINGS

- 4 (1) Rural is a Solid Waste hauling company and is a public service company subject to the jurisdiction of the Commission.
- The tariff revisions filed by Rural on July 31, 2001, would increase charges and rates for service provided by Rural, and might injuriously affect the rights and interests of the public.
- 6 (3) Rural has not demonstrated that the increased rates and charges in its tariff revisions would result in rates that are fair, just, and reasonable.
- As required by RCW 81.04.130, Rural bears the burden of proof to show that the proposed increases are fair, just, and reasonable.
- 8 (5) Allowing temporary rates subject to refund puts Rural on equal footing with other regulated companies currently collecting tribal taxes. The legality of the tribal tax is pending a decision in the existing complaint cases.
- 9 (6) After careful examination of the proposed tariff revisions filed by Rural on July 31, 2001, and giving consideration to all relevant matters and for good cause shown, the Commission finds that the proposed tariff revisions should become effective September 12, 2001, on a temporary basis subject to refund.

ORDER

10 THE COMMISSION ORDERS:

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- (1) The tariff revisions filed on July 31, 2001, are suspended.
- The Commission will consolidate this filing with the filings in Dockets UT-010988 et al.
- Waste Management of Washington, Inc., d/b/a, Rural Skagit Sanitation may be required to pay the expenses reasonably attributable and allocable to the Commission's investigation to the extent the requirements for such payment are in accordance with the provisions of chapter 81.20. RCW.
- 14 (5) As required by WAC 480-70-271, Waste Management of Washington, Inc., d/b/a, Rural Skagit Sanitation must supply a notice to all affected customers in the form and manner specified in WAC 480-70-271.

- Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation is authorized to implement and collect, on a temporary basis, the rates contained in tariff Supplement 2 in Docket TG-011084.
- 16 (7) That in the event the tax is deemed illegal, the carrier may be directed to refund or credit any tax collected. The carrier shall keep accurate and sufficient records to allow such refunds if such are ordered by the Commission.

DATED at Olympia, Washington, and effective this 12th day of September, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner