

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of)	DOCKET NO. UG-040156
)	
Avista Corp.,)	ORDER NO. 01
)	
Petitioner,)	
)	
For Less Than Statutory Notice in)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions)	STATUTORY NOTICE
.....)	

BACKGROUND

- 1 On February 4, 2004, Avista Corp., (Avista or the Company), filed with the Commission revisions to its currently effective Tariff WN U-29, designated as Eighth Revision Sheet 158 Canceling Seventh Revision Sheet 158. The purpose of the filing is to pass through a decrease in the utility tax from 6% to 5% imposed on gross revenue from the sale or supply of natural gas to ultimate users in the City of Connell in accordance with Ordinance No. 765.

- 2 RCW 80.28.060 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheets bear an inserted effective date of March 5, 2004. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revisions become effective as soon as possible. Avista stated the reason for less than statutory notice is that the tax decrease was intended to become effective January 1, 2004; however, the city failed to inform the Company of the impending change in the tax rate until the end of January. In order for customers in the City of Connell to receive the benefit of this tax reduction as soon as possible, the Company is requesting this tariff revision to become effective on less than statutory notice.

3 WAC 480-90-194 requires notification to customers or publication of the decrease sought in this filing. Granting the Company's less than statutory notice request also requires an exemption from WAC 480-90-194. For the same reason(s) listed for seeking less than statutory notice, the Company seeks such an exemption from notice requirements. The Company proposes to notify customers by notice on their bill commensurate with the date of the rate reduction as well as a posting of the "Notice of Tariff Change" in all Company offices coincident with the date of this filing.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Avista's request with an effective date of February 12, 2004.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, and transfers of public service companies, including gas companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 6 (2) Avista is a gas company and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) Avista is subject to the provisions of RCW 80.28.060 and WAC 480-80-121 requiring gas companies to file changes in any rate or charge with thirty days' notice. For good cause shown, however, the Commission may allow changes without requiring thirty days' notice by order specifying the

changes to be made and the time when it shall take effect. WAC 480-80-122.

- 8 (4) WAC 480-90-008 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-90 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 9 (5) Staff has reviewed the request in Docket UG-040156 and recommended the less than statutory notice request of Avista be granted. Staff further recommended the Commission grant an exemption to WAC 480-90-194 and require the Company to notify customers by notice on their bill commensurate with the date of the rate reduction as well as a posting of the "Notice of Tariff Change" in all Company offices coincident with the date of this filing.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on February 12, 2004.
- 11 (7) After examination of the proposed tariff revisions filed by Avista on February 4, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective February 12, 2004.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements.

O R D E R

THE COMMISSION ORDERS:

- 13 (1) The request sought by Avista Corp. for less than statutory notice is granted.
- 14 (2) After the effective date of this Order, Avista Corp. is granted an exemption from WAC 480-90-194, Publication of proposed changes to increase charges or restrict access in service. Avista Corp. shall notice customers by notice on their bill commensurate with the date of the rate reduction as well as a posting of the "Notice of Tariff Change" in all Company offices coincident with the date of this filing.

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 this 11th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary