

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CWA, INC.,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-30-326 requiring 30 days' notice to
customers.

DOCKET TC-200223

ORDER 01

GRANTING EXEMPTION FROM
RULE; ALLOWING TARIFF
REVISIONS TO BECOME
EFFECTIVE BY OPERATION OF
LAW

BACKGROUND

- 1 On March 19, 2020, CWA, Inc., (CWA or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting Less than Statutory Notice handling per WAC 480-30-326 for revisions to Time Schedule 6. The proposed revisions would reduce the number of daily runs operated by the Company. On March 20, 2020, the Company filed replacement pages. The Company provides scheduled auto transportation service between Yakima and SeaTac International airport.
- 2 WAC 480-30-316 requires auto transportation companies to provide 30 calendar days' notice to customers of any tariff or time schedule changes. The Company, however, requests a March 27, 2020, effective date to allow CWA to immediately respond to the rapidly changing conditions customers are facing due to the COVID-19 pandemic.
- 3 In its Petition, CWA asserts that travel restrictions enacted by federal and state governments due to the outbreak of COVID-19 have drastically reduced demand for travel to airports. The Company proposes to reduce its operations to two daily round trips until the restrictions are lifted and economic conditions warrant resumption of service. The Company also states that as ridership has drastically declined in a short period of time, it must cut back its operating expenses in order to continue to provide some service to the public. Therefore, CWA is petitioning for Less than Statutory Notice handling of the proposed tariff revisions.
- 4 Commission staff (Staff) reviewed the request and agrees with the Company that it is in the public interest to reduce costs by eliminating some service, ensuring the Company is financially fit to provide service in the future. Therefore, Staff

recommends granting CWA's Petition for Less than Statutory Notice and allowing the revisions to Time Schedule No. 6 to become effective March 27, 2020.

DISCUSSION

- 5 We agree with Staff's recommendation and grant CWA's Petition for Less than Statutory Notice, allowing the tariff revisions filed on March 19, 2020, and revised on March 20 to become effective March 27, 2020. Pursuant to RCW 80.01.040 and WAC 480-30-326, the Commission may grant Less than Statutory Notice handling in the event of an emergency. The Governor's Proclamation 20-05 placed Washington in a state of emergency due to the COVID-19 pandemic, and the more recent Proclamation 20-25 restricts travel except for limited purposes.
- 6 Here, we find that the Company is making a good faith effort to provide service in accordance with its certificate of convenience and necessity. We also recognize the financial impacts the Company is facing due to severely limited travel during the COVID-19 outbreak. Accordingly, we conclude that allowing the Company to respond to rapidly changing economic conditions by granting its request for Less than Statutory Notice handling is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

- 7 (1) The 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 auto transportation companies.
- 8 (2) CWA is an auto transportation company and a public service company subject to Commission jurisdiction.
- 9 (3) CWA is subject to WAC 480-30-316, which requires auto transportation companies to provide 30 calendar days' notice to customers of any tariff or time schedule changes.
- 10 (4) Pursuant to RCW 80.01.040 and WAC 480-30-326, the Commission may grant Less than Statutory Notice in the event of an emergency.

- 11 (5) This matter came before the Commission at its regularly scheduled meeting on March 26, 2020.
- 12 (6) Based on the COVID-19 pandemic and resulting state of emergency, the Commission finds good cause to allow the tariff revisions filed by CWA on March 19, 2020, and revised on March 20, 2020, to become effective with Less than Statutory Notice on March 27, 2020.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Commission grants CWA, Inc.'s Petition for Less than Statutory Notice of the tariff revisions filed on March 19, 2020, and revised on March 20, 2020.
- 14 (2) The tariff revisions CWA, Inc., filed on March 19, 2020, and revised on March 20, 2020, will become effective on March 27, 2020.
- 15 (3) The Commission retains jurisdiction over the subject matter and CWA, 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 Lacey, Washington, and effective March 26, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark L. Johnson

MARK L. JOHNSON
Executive Director and Secretary