

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

In the Matter of the Request of)	DOCKET NO. UW-050163
)	
MARBELLO WATER CO., INC.,)	ORDER NO. 01
)	
Petitioner,)	
)	
For Less Than Statutory Notice in)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions)	STATUTORY NOTICE
.....)	

BACKGROUND

- 1 On January 31, 2005, Marbello Water Co., Inc., (Marbello Water or Company) filed with the Commission revisions to its currently effective Tariff WN U-1, designated as Second Revised Sheet No. 26 increasing the usage charge by \$0.21 to pass through the increased water rate charged the Company by the city of Monroe.
- 2 RCW 80.36.110 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 2, 2005. 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 February 10, 2005. Marbello Water stated the reason for less than statutory notice is to avoid financial harm due to the increased cost of water charged the Company by the city of Monroe.
- 3 WAC 480-110-425 requires notification to customers of the increase sought in this filing. Granting the Company's less than statutory notice request requires an exemption from WAC 480-110-425. For the same reason stated for seeking less than statutory notice, the Company seeks an exemption from customer notice requirements as provided in WAC 480-110-215. The Company notified its customers by mail on February 4, 2005.

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 Marbello Water's requests with an effective date of February 10, 2005.

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 water companies. *RCW 80.01.040; Chapter 80.04 RCW; and Chapter 80.28 RCW.*
- 6 (2) Marbello Water is a water company and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) Marbello Water is subject to the provisions of RCW 80.28.060 and WAC 480-80-121 requiring water 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) Marbello Water is subject to the provisions of WAC 480-110-425 requiring water companies to notify its customers with thirty days' notice. WAC 480-110-215 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-110 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.

- 9 (5) Staff has reviewed the requests in Docket UW-050163 and recommended the less than statutory notice request of Marbello Water be granted. Staff further recommended the Commission grant an exemption to WAC 480-110-425 and require the Company to notify customers by mail of the increase in its next billing.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on February 9, 2005.
- 11 (7) After examination of the proposed tariff revisions filed by Marbello Water on January 31, 2005, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective February 10, 2005.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements in WAC 480-110-425.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The request sought by Marbello Water Co., Inc., for less than statutory notice is granted.
- 14 (2) Marbello Water Co., Inc., is granted an exemption from WAC 480-110-425.
- 15 (3) Marbello Water Co., Inc., shall notice customers by mail with its next billing.

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 9th day of February, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary