

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

In the Matter of the Request of)	DOCKET UW-080440
)	
MARBELLO WATER COMPANY, INC.,)	ORDER 01
)	
Petitioner,)	
)	ORDER GRANTING LESS THAN
For Less Than Statutory Notice in)	STATUTORY NOTICE; ALLOWING
Connection with Tariff Revision and)	TARIFF REVISION; WAIVING
Waiver of Customer Notice)	CUSTOMER NOTICE
Requirements)	REQUIREMENTS
.....)	

BACKGROUND

- 1 On March 6, 2008, Marbello Water Company, Inc., (Marbello or Company), filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-1, designated as Fifth Revision of Sheet No. 26 cancelling Fourth Sheet No. 26. The City of Monroe, from which Marbello purchases its water, passed Ordinance No. 030/2007 on December 18, 2007. The ordinance imposed an increase in its utility tax from 7.5% to 10% on all water companies doing business with the City of Monroe. The City of Monroe notified Marbello of the increase on February 8, 2008.
- 2 RCW 80.28.060 and WAC 480-80-121 require thirty days notice to customers prior to the effective date of a rate change. The tariff sheet bears an effective date of April 7, 2008. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted by WAC 480-80-122, and that the revision become effective April 1, 2008. Marbello requests less than statutory notice because the City of Monroe implemented the increased utility tax on water sales effective January 1, 2008.
- 3 WAC 480-110-425 requires customers must receive notice thirty days prior to the requested effective date when a water company proposes an increase. Granting Marbello’s less than statutory notice request also requires an exemption from WAC 480-110-425. For the same reason Marbello identified for seeking less than statutory notice, the Company seeks an exemption from the customer notice requirements. Marbello

notified customers by mail on March 6, 2008.

4 Effective January 1, 2008, the City of Monroe imposed a ten percent utility tax on Marbello for water sold to Marbello customers. To allow the Company to recover its cost, Marbello requests this tariff become effective on April 1, 2008.

5 Since the proposed tariff revision appears to be fair, just, reasonable and sufficient, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Marbello's request with an effective date of April 1, 2008.

FINDINGS AND CONCLUSIONS

6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including water companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*

7 (2) Marbello Water Company, Inc., is a water company and a public service company subject to Commission jurisdiction.

8 (3) Marbello Water Company, Inc., is subject to RCW 80.28.060 and WAC 480-80-121, which require 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. *RCW 80.28.060 and WAC 480-80-122.*

9 (4) Under WAC 480-110-215, the Commission may grant an exemption from the provisions of any rule in WAC 480-110, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*

10 (5) Staff has reviewed Marbello Water Company, Inc.'s request in Docket UW-080440 and recommends the Commission grant the Company's request for less than statutory notice. Staff further recommends the Commission grant an

exemption from WAC 480-110-425. Marbello Water Company, Inc., notified customers by mail on March 6, 2008.

11 (6) This matter came before the Commission at its regularly scheduled meeting on March 27, 2008.

12 (7) After reviewing Marbello Water Company, Inc.'s proposed tariff revision filed on March 6, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revision should become effective April 1, 2008.

13 (8) The Commission also finds Marbello Water Company, Inc., should be granted an exemption from the customer notice requirements in WAC 480-110-425.

ORDER

THE COMMISSION ORDERS:

14 (1) Marbello Water Company, Inc.'s request for less than statutory notice is granted.

15 (2) After the effective date of this Order, Marbello Water Company, Inc., is granted an exemption from WAC 480-110-425, which requires a thirty-day notice to customers of proposed changes to increase charges or rates. Marbello Water Company, Inc., notified customers by mail on March 6, 2008.

16 (3) The tariff revision Marbello Water Company, Inc., filed on March 6, 2008, will be effective on April 1, 2008.

DATED at Olympia, Washington, and effective March 27, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner