

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
Complainant,)
vs.)
Waste Management of Washington,)
Inc., d/b/a Rural Skagit Sanitation)
G-237,)
Respondent.)
.....

DOCKET NO.TG-011084

ORDER DISMISSING COMPLAINT AND ORDER SUSPENDING TARIFF REVISIONS AND MAKING TEMPORARY REVISION PERMANENT

BACKGROUND

- 1 On July 31, 2001, Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation G-237 (Rural), filed with the Commission revisions to its currently effective Tariff 15, designated as Supplement 2. The stated effective date was September 15, 2001. Tariff Supplement 2 reflects a 3% utility business activity tax levied by the Swinomish Indian Tribe.
2 On September 12, 2001, the Commission entered a Complaint and Order Suspending the filing pertaining to Tariff Supplement 2 pending an investigation to determine whether the revisions are fair, just and reasonable.
3 The Commission also allowed Tariff Supplement 2 to become effective August 8, 2001, on a temporary basis subject to refund and consolidated the filing in Docket Nos. UT-010988, et al.
4 In Docket Nos. UT-010988 et al., the Commission considered several complaints brought by ratepayers challenging the practice by several utility companies, including Rural, of passing through tribal utility taxes to ratepayers. In their complaint, the ratepayers argued that the tribal utility taxes were unlawfully imposed upon them because they reside on fee land.
5 On February 8, 2002, the Commission issued an order in Docket No. UT-010988, et al, holding that the tribal utility taxes were not clearly invalid, therefore, the Commission dismissed the complaints.

FINDINGS

- 6 (1) Rural is a solid waste company and is a public service company subject to the jurisdiction of the Commission.
- 7 (2) The tariff revisions presently under suspension are fair, just, and reasonable.
- 8 (3) It is consistent with the public interest to dismiss the Complaint and Order Suspending Tariff Revisions in this docket and to make the revisions to Rural's tariff permanent effective March 27, 2002.

ORDER

9 THE COMMISSION ORDERS:

- 10 (1) The Complaint and Order Suspending Tariff Revisions in this docket, dated July 31, 2001, is dismissed.
- 11 (2) The tariff revisions filed in this docket on July 31, 2001, shall be made permanent effective March 27, 2002.

DATED at Olympia, Washington, and effective this 27th day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE WASHBURN, Secretary