

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

ARROW LAUNCH SERVICE,

Petitioner,

Seeking Exemption from the Provisions of
Order 02 in Docket A-042090.

DOCKET TS-220588

ORDER 02

GRANTING EXEMPTION FROM
ORDER 02 IN DOCKET A-042090

BACKGROUND

- 1 On August 1, 2022, Arrow Launch Service, LLC, (Arrow or Company) filed with the Washington Utilities and Transportation Commission (Commission) a fuel surcharge tariff supplement in accordance with the procedures set out by Order 02 in Docket A-042090. On August 11, 2022, the fuel surcharge was granted on less than statutory notice in Order 01 in this Docket, to become effective August 12, 2022, and expire September 12, 2022.
- 2 On August 16, 2022, the Company filed with the Commission a petition requesting an exemption from the requirements of Order 02 in Docket A-042090 to allow the fuel surcharge to continue until September 30, 2022 (Petition).
- 3 Arrow explains in its Petition that because the open meeting in September will not occur until September 15, 2022, and because September contains five (5) Thursdays, the schedule will not allow Arrow to compile all of its August fuel invoices or secure relief from fuel costs prior to the 30-day expiration date of September 11, 2022. Therefore, Arrow is requesting an additional 18 days until month's end to apply the current surcharge. Arrow notes that granting this exception would allow it to compile the previous calendar month's fuel receipts and accordingly calculate a full month's average fuel cost, which would enable consistent calendar month invoicing of any prospective fuel surcharge going forward. It would also enable Arrow to timely file its next fuel surcharge with the Commission by the time prescribed by rule under 480-07-900(5)(b) for the Commission to act on the request at its September 29, 2022, Open Meeting.
- 4 Commission staff (Staff) has reviewed the request and believes it is in the public interest to grant the Company's request.

DISCUSSION

5 Although Order 02 in Docket A-042090 states that a proposed surcharge will expire no more than one month after it becomes effective,¹ Order 01 in Docket TS-220588 states that the Petitioner may reapply to retain or amend the surcharge in effect after the expiration date. In this instance, granting the exemption requested in the Petition and allowing the surcharge to continue until September 30, 2022, will promote consistency and be more transparent for customers and the Company alike.

6 We therefore agree with Staff that the request should be granted, subject to the following condition(s):

- (a) Arrow must file the next fuel surcharge in the time prescribed in WAC 480-07-900 (5)(b).
- (b) The Company understands that this is a one-time exemption from Order 02 in Docket A-042090(B)(1)(a).

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 solid waste companies.
- 8 (2) Arrow is engaged in the business of providing Commercial ferry services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 9 (3) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule in WAC 480-07, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on August 25, 2022.
- 11 (5) After review of the Petition filed in Docket TS-220588 by Arrow on August 16, 2022, and giving due consideration, the Commission finds that it is in the public

¹ *In the Matter of the Delegation of Authority to the Secretary of the Commission Pursuant to RCW 80.01.030*, Docket A-042090 Order 02 (May 3, 2005), Section (B)(1)(a).

interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12* (1) Arrow Launch Service's Petition is GRANTED, subject to the conditions detailed in paragraph 6, above.
- 13* (2) The fuel surcharge granted in Order 01 of this Docket will expire on September 30, 2022.
- 14* (3) The Commission retains jurisdiction over the subject matter and Arrow Launch Service 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 August 25, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary