

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

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| In the Matter of the Request of   | ) | DOCKET NO. UW-050012     |
|                                   | ) |                          |
| AMERICAN WATER                    | ) | ORDER NO. 01             |
| RESOURCES, INC.,                  | ) |                          |
|                                   | ) |                          |
| Petitioner,                       | ) |                          |
|                                   | ) |                          |
| For Less Than Statutory Notice in | ) | ORDER GRANTING LESS THAN |
| Connection with Tariff Revisions  | ) | STATUTORY NOTICE         |
| .....                             | ) |                          |

**BACKGROUND**

- 1     On January 4, 2005, American Water Resources, Inc., (American Water or the Company) filed with the Commission revisions to its currently effective Tariff WN U-1, designated as Seventh Revision of Sheet No. 17.1 Canceling Sixth Revision of Sheet No. 17.1 and Fifth Revision of Sheet No. 18.1 Canceling Fourth Revision of Sheet No. 18.1. This filing is to make a one-time customer credit of \$34.00.
- 2     RCW 80.28.060 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 February 4, 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 January 13, 2005.
- 3     American Water stated the reason for the less than statutory notice is to avoid customer confusion. In Docket UW-010961 the Commission ordered the Company to refund to customers the money collected for the Docket 010961 Account, plus interest, in the amount of \$4.40 per month. The Company wanted to return as much of the Docket 010961 Account to customers as quickly as possible, so the Company filed a one-time credit of the cash balance in the Docket 010961 Account in its compliance filing. The Company erroneously

assumed that the Commission would approve its compliance filing and made the one-time credit to customers. However, the Commission concluded that it could not consider the change to effect the one-time credit and rejected that compliance filing. The Company previously notified customers of the refund by notice dated November 19, 2004.

- 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 American Water's request with an effective date of January 13, 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) American Water Resources, Inc., is a water company and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) American Water Resources, Inc., 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) Staff has reviewed the request in Docket UW-050012 and recommends the less than statutory notice request of American Water Resources, Inc., be granted.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on January 12, 2005.
- 10 (6) After examination of the proposed tariff revisions filed by American Water Resources, Inc., on January 4, 2005, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective January 13, 2005.

### ORDER

#### THE COMMISSION ORDERS:

- 11 (1) The request sought by American Water Resources, Inc., for less than statutory notice is granted for WAC 480-80-121.

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 12<sup>th</sup> day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary