

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

BERNICE BRANNAN, et al.,)	
)	DOCKET NO. UT-010988
Complainants,)	
)	
v.)	
)	
QWEST CORPORATION,)	
)	
Respondent.)	
.....))	
BERNICE BRANNAN, et al.,)	
)	DOCKET NO. TG-010989
Complainants,)	
)	
v.)	
)	
SANITARY SERVICE COMPANY, INC.,)	
)	
Respondent.)	
.....))	
BERNICE BRANNAN, et al.,)	
)	DOCKET NO. UE-010990
Complainants,)	
)	
v.)	
)	
PUGET SOUND ENERGY, INC.,)	
)	
Respondent.)	
.....))	
TERRY McNEIL, et al.,)	
)	DOCKET NO. UE-010995
Complainants,)	
)	
v.)	
)	
PUGET SOUND ENERGY, INC.,)	
)	
Respondent.)	
.....))	

TERRY McNEIL, et al.,)	
)	DOCKET NO. UT-010996
Complainants,)	
)	
v.)	
)	
VERIZON NORTHWEST, INC.,)	
)	
Respondent.)	
.....))	
WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. TG-011084
)	
Complainant,)	
v.)	ORDER OF CONSOLIDATION
)	
WASTE MANAGEMENT OF)	
WASHINGTON, INC., d/b/a)	
RURAL SKAGIT SANITATION.)	
G-237)	
)	
Respondent.)	
.....))	

BACKGROUND

- 1 On July 31, 2001, Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation (Rural Skagit) filed with the Commission revisions to its currently effective Tariff 15, designated as Supplement 2. Tariff Supplement 2 reflects a 3% utility business activity tax levied on Rural Skagit by the Swinomish Indian Tribe.
- 2 On September 12, 2001, the Commission issued a Complaint and Order suspending the tariff revisions and granting temporary rates subject to refund. The Commission also indicated that it would consolidate this matter with five pending complaints that contest the legality of tribal taxes that are passed through to non-tribal members located on fee land within the Lummi and Swinomish reservations. A prehearing conference has been rescheduled for **November 19, 2001**, on these consolidated filings. The filings include:
- 3 Docket No. UT-010988, a complaint filed by Bernice Brannan and twenty-six other named individuals against Qwest Corporation. The complainants request that the Commission remove the Lummi Business Utility tax from the tariff of Qwest Corporation to the extent the tax is passed through to non-tribal members located on fee land within the Lummi Reservation.
- 4 Docket No. TG-010989, a complaint by Bernice Brannan and twenty-six other named individuals against Sanitary Service Company, Inc. The complainants request that the

Commission remove the Lummi Business Utility tax from the tariff of Sanitary Service Company, Inc., to the extent the tax is passed through to non-tribal members located on fee land within the Lummi Reservation.

5 Docket No. UE-010990, a complaint by Bernice Brannan and twenty-six other named individuals against Puget Sound Energy, Inc. The complainants request that the Commission remove the Lummi Business Utility tax from the tariff of Puget Sound Energy, Inc., to the extent the tax is passed through to non-tribal members located on fee land within the Lummi Reservation.

6 Docket No. UE-010995, a complaint filed by Terry McNeil and twenty-seven other named individuals against Puget Sound Energy, Inc. The complainants request that the Commission remove the Swinomish Utility Business Activity tax from the tariff of Puget Sound Energy, Inc., to the extent the tax is passed through to non-tribal members located on fee land within the Swinomish Reservation.

7 Docket No. UT-010996, a complaint filed by Terry McNeil and twenty-seven other named individuals against Verizon Northwest, Inc. The complainants request that the Commission remove the Swinomish Utility Business Activity tax from the tariff of Verizon Northwest, Inc., to the extent the tax is passed through to non-tribal members located on fee land within the Swinomish Reservation.

8 The tariff suspension described above and the foregoing complaints involve common questions of fact and law. Accordingly, the Commission has determined that Docket No. TG-011084, should be consolidated with the complaints listed above for hearing and determination. Pursuant to WAC 480-09-610, the disposition of the consolidation of these proceedings has been referred to the Administrative Law Judge assigned to these proceedings.

ORDER OF CONSOLIDATION

9 IT IS HEREBY ORDERED That Docket No. TG-011084, is consolidated with the dockets listed above and the same are consolidated for hearing and determination, with the Commission reserving the right to hold such separate hearings and to issue separate orders in the individual dockets as it may deem appropriate.

Dated at Olympia, Washington, and effective this day of October, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge