

# Before the Washington Utilities and Transportation Commission

Docket No. A-042090

## Comments of Seatac Shuttle, LLC regarding Docket No. A-042090

The following comments relate to auto transportation companies and Fuel Surcharges under review as part of Docket No.A-042090. These comments are those of Seatac Shuttle, LLC only but address the issues facing all of the auto transportation industry in Washington. It is clear that the intent of staff is to promote regulation that is detrimental to the transportation infrastructure to the disadvantage of the consumer and the industry. As to the reasoning or logic behind this proposal one can only speculate or perhaps look to the history of the agency.

Our comments, ask those questions that neither staff nor the Commission wished to hear or answer at the Open Meeting of September30. The questions fall within three main categories:

- 1) That the proposal is illogical and unsupported by any data;
- 2) That the proposal is contrary to Washington Administrative Code;
- 3) That the current method of hearing “general rate cases” is contrary and unauthorized by the Revised Code of Washington.

There will be additional comments following.

We address Item number 1 only because the Commission relied upon staff’s arguments to affect Order No. 3 under this docket. Items number 2 and 3 render any and all of staff’s arguments moot.

### **Item No. 1**

Staff formulated its position well before informing stakeholders:

In a memo dated Aug. 11, 2010 the following was stated;

...the following companies rather routinely file for fuel surcharges for the airporter portion of their business: Wickkiser, Bremerton-Kitsap, Seatac Shuttle, CWA, and Pacific Northwest Trans. Shuttle Express is not Staff recommends that Order 02 be rescinded and that ***a company wishing to impose a fuel surcharge so request by petition and a showing of good cause. Good cause would include a demonstration for the need for additional revenues. The order rescinding and memo in support could be done through the open meeting process. We recommend doing so in September.***

AND

**Staff has not discussed this proposal with either the solid waste or auto transportation industry. We will do so upon agreement to proceed with the proposal. Staff proposes September as a reasonable time to put this matter on the open meeting agenda to allow the affected companies sufficient time to prepare a legislative solution.**

*If you wish, Penny Ingram and Gene are prepared to discuss more fully the ramifications of this proposal with respect to the airporters.*

Remember this was written and circulated on AUG. 11, 2010. Did they really think we could prepare a legislative position by the time of the scheduled open meeting? We were not even informed of this yet and when we were staff went to great lengths to evade our direct questions and tell us of the intent of the proposal.

Staff was also aware of the impact that their proposed action would have upon the autotransportation providers and their reaction to the proposal. In that same memo:

Auto transportation companies

**The airporters will be the industry group most affected by the proposed change in the fuel surcharge process. Whether they come in for a general rate case, file individual petitions for fuel surcharges, see k legislation, or pursue some other avenue of redress is difficult to predict.**

#### CONCLUSION

Staff's recommendation will put an end to routine use of the fuel surcharge by requiring the companies to petition and show the need for additional revenues by reason of an increase in petroleum prices. As a result, the airporters and the four above-mentioned solid waste companies **will be forced to file for a general rate increase or forego increased charges.** Overall, this is not a bad result as the commission will be able to determine if the rates being charged by the companies are fair, just, reasonable, and sufficient.

The above are excerpts from the memo. The complete memo follows these comments. The complete texts of these memos follow these comments. As can be seen, staff did not want their proposal known to the auto transportation providers until the last possible time and then were looking for a fast implementation despite the anticipated adverse reaction by the providers.

To summarize staff's position:

- (A) The older a base fare is, it worse it is for the consumer; (B) by eliminating fuel surcharges the public will be better served; (C) staff has no confidence in the annual reports submitted by the autotranspotation industry.
- a. Just the opposite is the case. The older a base fare is the lower it is. In our particular case we have not had a base fare increase in 5 years. We have claimed nothing for CPI or inflation, no COLA, no Washington States ferry fare increases. During this same time frame WUTC employees have enjoyed an average increase of over 20% at the tax/rate payer's expense. The prevailing thought seems to be, I got mine but my head is in the sand when it comes to commerce. Our base fares have remained static. There is no argument that staff has presented or can present that supports their position of older rate cases being bad for the public.
  - b. Staff's method for eliminating fuel surcharges is to force all operators into general rate cases. Not only is this contrary to WAC but forces the consumer to pay a higher base fare regardless of the fuel price at any given moment. It allows no flexibility in charging only for those fuel changes at any given moment. For example, if a base fare, as a result of a 5 year old rate case is \$20.00 and at time X under current WUTC calculations the operator is eligible for a \$0.25 fuel surcharge the resulting total fare is \$20.25. Now the operator is forced to undergo a general r ate case and the base fare is raised to \$21.00 all customers at all times will pay the extra \$1.00 for the same service. The operator cannot lower the fare as fuel prices recede, they will stay the same. Under the current method, the operator is afforded the greatest measure for flexibility, being able to respond to rising as well as falling fuel prices resulting in a more favorable fare for the consumer

Additionally, in a time of recession, declining state budgets, staffing cutbacks and mandatory departmental budget cuts, staff's proposal adds yet another burden upon our industry and eliminates a functional, expedited process and replaces it with an expensive time consuming one. Is anyone home at the WUTC? At present we may respond to the volatile nature of the fuel market as it happens, under the proposal it would take 60 days or more and cost the companies more than they would recover.

- c. Staff has additionally proclaimed that fuel prices are stable. This is an outright fabrication and those representing such to the Commission should be held accountable. In fact, fuel prices (gasoline) over the past 12 months have risen 9.5%. This is according the National Bureau of Labor Statistics. Actual, verifiable statistic, unlike staff's

supposition. I suggest that if staff's pay was cut by 9.5% they would not consider their wages stable. Diesel fuel was up by an even high percentage.

Now comes the really amazing part, staff has predicted that fuel prices will remain stable for the future. May I have the winning lottery numbers while you're at it? This statement is so absurd that that under normal circumstances it would not warrant comment. However, as the Commission accepted all of staff's recommendations and ignored all of the stakeholders, one can only surmise that it was accepted on face value by the Commission. This is a gross embarrassment for both the staff and Commission, it is indefensible. No supporting data or augment was presented by staff. They couldn't, there isn't any data or rational argument.

- d. The Commission had made its determination prior to the Open Meeting. Despite staff's lack of supporting logical argument or verifiable facts and data, the Commission issued Order. No. 3 verbatim from staff's recommendation, changing only the implementation date. The facts, figures and verifiable data presented by stakeholders apparently did not concern the Commission. This is further evidenced by the Chairman cutting of the last stakeholder to offer comment in the interest of getting to a timely lunch. It would appear that such things as annoying facts were boring the Commission. The Order went through a number of drafts prior to the meeting and was already prepared for a rubber stamp.

## **Item No. 2**

It is staff's intent to portray fuel surcharges as rates. This is the crux of the matter. This interpretation has been put forward before under the former Chairman. After discussions with senior policy staff at WUTC the matter was dropped and staff ceased its efforts to try to place an incorrect classification on them. By the very term "SURCHARGE" the implication that they are supplemental to a base fare and not part of that fare. Precedent and history have treated them in this fashion at WUTC. As used by WUTC and in WAC as a noun it is held to be an additional amount added to the usual charge. Now for some inexplicable reason a few members of staff have decided to create their own interpretation of both the English language and WAC.

**WAC 480-30-421** speaks clearly and unequivocally to the matter:

**Tariffs, general rate increase filings.**

**(2) The following tariff changes are not considered general rate increase filings even though the request may meet one or more criteria identified above:**

**(a) Filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on the current year customer count either as a specified dollar amount or percentage fee amount.**

This is and has been the position of this company. It is one that has been recognized by the Commission for 10 years. It will require more than speculation, hypostasizing and outright fantasy to explain this corruption of the law by staff to the operators and the public

### **Item 3**

RCW 81.68 authorizes the Commission to:

**1) Fix, alter, and amend just, fair, reasonable, and sufficient rates, fares, charges, classifications, rules, and regulations;**

(2) Regulate the accounts, service, and safety of operations;

(3) Require the filing of annual and other reports and of other data;

(4) Supervise and regulate the companies in all other matters affecting the relationship between such companies and the traveling and shipping public;

(5) By general order or otherwise, prescribe rules and regulations in conformity with this chapter, applicable to any and all such companies, and within such limits make orders.

There is no authority to regulate profits or profit margins. Yet over time staff has adopted an unwritten policy which the Commission has refused to codify, of regulating profits to the exclusion of rates. Rates are secondary to the manipulation of profits and restraint upon commerce. "Rates" is also a misnomer in the case of auto transportation, we charge fares, public utilities charge rates. As an industry, staff has found it convenient to treat us as utilities and to impose the same regulatory policies and procedures upon us. This one size fits all approach is a failure. It has served to stifle growth of the industry and therefore limit the availability of premium transportation to the consumer.

By staff's own acknowledgement using the unauthorized profit regulation methodology, one consumer may pay a significantly higher "rate" for the equivalent service simply because one operator is more efficient and well managed than another.

By using this current methodology of regulating profit, rates are in fact not regulated at all. If an unskilled operator utilizing older, inefficient, maintenance prone equipment over a poorly designed route comes to the Commission for a rate increase because he is not making a profit, it is granted. Now comes a well run, efficient operator who has been providing quality service at a low price for years, before the Commission for a rate increase and it is denied because he is

making a profit. He is penalized and the bad apples are rewarded. The inefficient operator may be charging 20% or more on a per mile basis than the good operator but under current WUTC policy there is no examination of JUST or REASONABLE as it relates to the actual fare. There is no fare or rate regulation, just restraint of trade and profit regulation. This is not the intent of the legislature nor is it authorized under law. This must stop now, the damage done to the industry and the public at this point is substantial.

The fares charged by scheduled operators in Washington State are the lowest in the country by any measure. We can provide any number of examples where the fare charged is between \$0.75 to \$2.00 per passenger mile. Compare that with approximate average charge of \$.040 per mile in Washington. Neither the staff nor the Commission looked at rates from a consumer perspective, are they just or reasonable? No, the sole criterion is, is the operator making any money on their investment or liability? Fare regulation is not the current concern of the Commission and that and that alone is their purview under the law, there is no authorization to regulate profits.

This cavalier disregard for the law and its application to the autotransportation operators is not through ignorance. It has been pointed out to staff on numerous occasions. The attitude is one of we're government and you're not, we do what we want. By this proposal the Commission has drawn the line in the sand.

#### **ADDITIONAAL COMMENTS**

During an earlier work shop, one of the currently sitting Commissioners stated that it was not the intent nor the duty of the Commission to micro-manage the airporters. This however, is exactly what we have here. Fuel surcharge recovery accounts for 1% or less of revenues of the airporters, yet staff is intent upon regulating, no, eliminating, this from our operations. On a \$25.00 fare this amounts to \$0.25. If this isn't micro-management I don't know what is.

We have requested a list of all consumer complaints lodged with the WUTC for the past 10 years, under the Public Information Act. In the absence of any complaints how can the Commission take the position that allowing fuel surcharges to remain is somehow over charging or creating unreasonable or unjust fares? The argument is ridiculous and unsupportable. A unilateral supposition by staff in the absence of any data, research or comparison with the national market is a travesty and can only be viewed as an attack on the industry and as such cannot be countenanced. Show me the study that staff has done to validate rates to the consumer, if staff can then they are in violation of the Public Information Act, if not then they have failed to do their job and are operating outside the law on pure ignorance.

It is very unfortunate that we have been put in this position by a few misguided staff at WUTC. When we started our business we did so in good faith and with the intention of providing the best possible service that we could. We expected that the WUTC would help us in this endeavor by regulating the industry to insure that only qualified operators were out serving the public. This was not to be the case. There is little or no oversight regarding safety of vehicles and there is virtually no enforcement to the regulations. WUTC does not monitor or investigate

illegal operators or compliance. If another operator makes a complaint they better have done the investigation themselves and be prepared to carry the burden of proof at a hearing. Staff investigations take months if they are done at all and are nothing but phone inquiries without investigation. The role of the WUTC has evolved to be no more than a profit regulating body, contrary to RCW and to the detriment of the public and the operators. It's time for a philosophical and actual change at the WUTC or we recommend that they get out of the regulation of transportation.

Following are internal documents from staff at the WUTC obtained by this company under the Public Information Act. They show a deliberate course of action to (1 keep the autotransportation providers ignorant of the WUTC's plans and intent until the last possible moment; 2) the early development of Order NO. 3 before any Open Meeting or Comment form stakeholders; 3) the true intent of the staff to "force autotransportation providers in to general rate cases"; 4) the understood effect upon the autotransportation providers and their presumed adverse reaction to it; and the lack of any supporting data or research. We do not feel that the staff has acted in good faith and deliberately put the autotranspotation providers in an adversarial position with relation to the WUTC. What possible motivation they could have for this eludes us.

Seatac Shuttle, LLC Nov. 19, 2010

Michael Lauver

Attachments from various memos and emails from WUTC on the following pages.

TO: Jeff Goltz  
Dave Danner

FROM: Anne Solwick  
Gene Eckhardt

DATE: August 11, 2010

SUBJECT: Proposal Regarding Fuel Surcharge Tariffs

### BACKGROUND

By Order 02 in Docket No. A-042090 dated April 27, 2005, the Commission delegated authority to the Secretary to authorize temporary fuel surcharges for auto transportation companies, commercial ferries, and household goods companies. Prior to the issuance of this order, fuel surcharges were granted (or denied) upon petition. The delegation set parameters on both the qualification for a surcharge and the process, including that each grant of a fuel surcharge would be for no more than one month. By later order, solid waste companies came within the delegated order process.

Circumstances indicate that the fuel surcharge process currently in place needs to be amended. Firstly, fuel prices are showing less short-term fluctuation reducing the companies' need for a fuel surcharge. Please see Memo Attachment showing fuel price comparison graphs. And, because the delegated order process bases the allowable fuel surcharge amount on the fuel costs in embedded rates; that is, on either the company's last general rate case, or in the absence of such a case, the fuel prices in 2004-2005, the surcharge amount is skewed by the passage of the last five years. As a final point, the fuel surcharge appears to be used as a substitute for a general rate case, which raises concerns that the rates being charged are fair, just, reasonable, and sufficient.

### RECOMMENDATION

The following companies rather routinely file for fuel surcharges for the airporter portion of their business: Wickkiser, Bremerton-Kitsap, SeaTac Shuttle, CWA, and Pacific Northwest Trans. Shuttle Express is not Staff recommends that Order 02 be rescinded and that a company wishing to impose a fuel surcharge so request by petition and a showing of good cause. Good cause would include a demonstration for the need for additional revenues. The order rescinding and memo in support could be done through the open meeting process. We recommend doing so in September.



## INDUSTRY IMPACTS

### Household goods companies

No household goods companies appear to be claiming fuel surcharges.

### Commercial ferries

No commercial ferries have asked for a fuel surcharge since 2008.

### Auto transportation companies

A few of the auto transportation companies, all airporters, make frequent use of the fuel surcharge mechanism. One company, Wickkiser, has received 82 fuel surcharges since 2004. In 2010 one of the 2010 “frequent fliers;” however, the company is the additional significant participant in the airporter business.

The airporters will be the industry group most affected by the proposed change in the fuel surcharge process. Whether they come in for a general rate case, file individual petitions for fuel surcharges, seek legislation, or pursue some other avenue of redress is difficult to predict.

### Solid waste companies

Four solid waste companies make routine use of the fuel surcharge. Two have not made a request for general rates this decade, yet both have filed numerous fuel surcharge requests: Method Valley Sanitation – 46 requests and Peninsula Sanitation – 18 requests. Two other companies that received a rate increase in 2004 make routine use of the fuel surcharge having filed 48 requests each since passage of the delegated order.

## CONCLUSION

Staff’s recommendation will put an end to routine use of the fuel surcharge by requiring the companies to petition and show the need for additional revenues by reason of an increase in petroleum prices. As a result, the airporters and the four above-mentioned solid waste companies will be forced to file for a general rate increase or forego increased charges. Overall, this is not a bad result as the commission will be able to determine if the rates being charged by the companies are fair, just, reasonable, and sufficient.

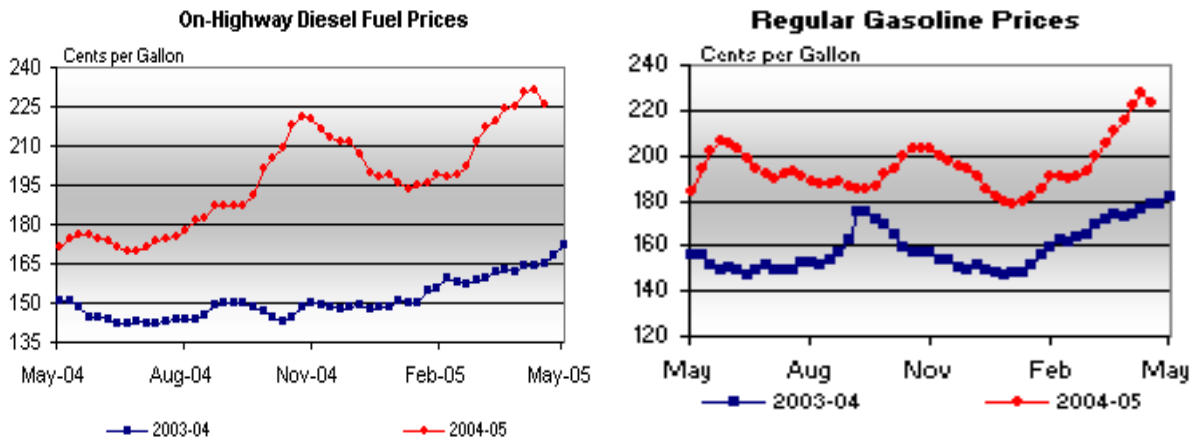
Staff has not discussed this proposal with either the solid waste or auto transportation industry. We will do so upon agreement to proceed with the proposal. Staff proposes September as a reasonable time to put this matter on the open meeting agenda to allow the affected companies sufficient time to prepare a legislative solution.

If you wish, Penny Ingram and Gene are prepared to discuss more fully the ramifications of this proposal with respect to the airports.

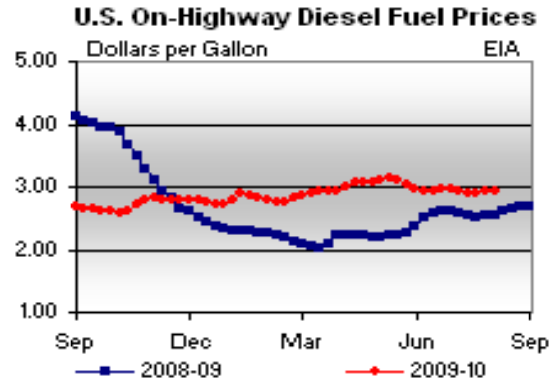
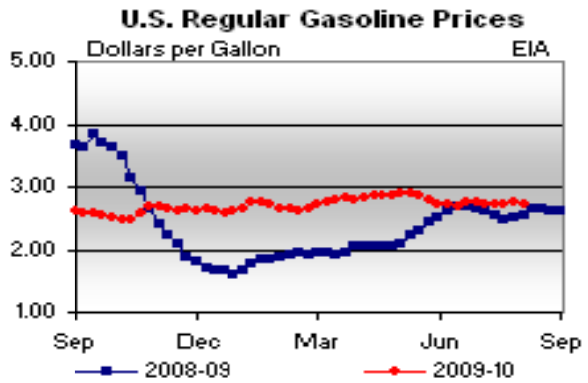
### Memo Attachment

The charts showing fuel prices for 2004 – 2005 were included in the memo in support of the order issued in Docket A-042090. Please note the 2009 – 2010 prices are reflected in dollars rather than cents.

### 2004 – 2005 Fuel Prices



### 2009 – 2010 Fuel Prices



The following was produced on September 14, 2010 and suggests the wording to the notice to be sent to the stakeholder for the Sept. 30, 2010 Open Meeting. Plenty of time for us to formulate a legislative position to the proposal, this is incredible!!!

**From:** Ward, Christian (UTC)  
**Sent:** Tuesday, September 14, 2010 2:19 PM  
**To:** Solwick, Anne (UTC)  
**Subject:** RE: Fuel Surcharge - advance notice

Hi Anne,

Is this how you want the email to be sent out? Should there be a colon after re?

Thanks,

Christian

**Subject:** Courtesy notice re fuel surcharge process

This email is to give to advance notice of a matter under consideration by the Utilities and Transportation Commission (Commission) which may have an effect on your business planning.

In April of 2005, under Docket No. A-042090, the Commission adopted a process for expediting petitions for fuel surcharges. One of the reasons for establishing the process was in response to the wide fluctuations in the price of fuel in the prior months.

For more than the last twelve months, fuel prices, while still varying, are not fluctuating as widely as they were in 2003 through 2005. The fuel surcharge process, established more than five years ago, served its purpose at the time it was needed. At the September 30, 2010, Open Meeting, the Commission will consider rescinding the order allowing the expedited process. The effective date of the proposed rescission will be November 30. Any fuel surcharges requested prior to that date would be allowed under the current expedited process.

After November 30, 2010, requests for a fuel surcharge would be made through the petition process or a general rate case. In either event, the company would be required to show that the proposed rates are just, fair, reasonable, and sufficient.

If you wish to submit comments for consideration, please contact Roger Kouchi at 360-664-1101 or [RKouchi@utc.wa.gov](mailto:RKouchi@utc.wa.gov)

*This email states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.*

Christian Ward  
Regulatory Analyst  
WA Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-7250  
Tel: (360) 664-1349  
Fax: (360) 586-1150  
cward@utc.wa.gov

**From:** Solwick, Anne (UTC)  
**Sent:** Tuesday, September 14, 2010 1:22 PM  
**To:** Ward, Christian (UTC)  
**Cc:** Gomez, David (UTC)  
**Subject:** FW: Fuel Surcharge - advance notice

Hi Christian. Below is the email to send to the 30 (or so) transpo companies per the list you provided. Please note I've stated what is to be typed into the "Subject" line by you but deleted from the body of the email you send out.

Please send this out as a BCC to all the companies as we discussed this AM so that we do not disclose the e-mail address of a company to its competitors. Please send this out today. See me if you have any questions. Please advise when you are done.

FYI in case you are asked: I am providing this email to Brad Lovaas as a follow up to a voice mail this AM.

Thank you,

*Anne Solwick*

Director, Regulatory Services Division

Utilities and Transportation Commission

Phone: 360-664-1290

Subject Line: Courtesy notice re fuel surcharge process

This email is to give to advance notice of a matter under consideration by the Utilities and Transportation Commission (Commission) which may have an effect on your business planning.

In April of 2005, under Docket No. A-042090, the Commission adopted a process for expediting petitions for fuel surcharges. One of the reasons for establishing the process was in response to the wide fluctuations in the price of fuel in the prior months.

For more than the last twelve months, fuel prices, while still varying, are not fluctuating as widely as they were in 2003 through 2005. The fuel surcharge process, established more than five years ago, served its purpose at the time it was needed. At the September 30, 2010, Open Meeting, the Commission will consider rescinding the order allowing the expedited process. The effective date of the proposed rescission will be November 30. Any fuel surcharges requested prior to that date would be allowed under the current expedited process.

After November 30, 2010, requests for a fuel surcharge would be made through the petition process or a general rate case. In either event, the company would be required to show that the proposed rates are just, fair, reasonable, and sufficient.

If you wish to submit comments for consideration, please contact Rog

This is a draft of Order No. 3 produced on September 13, 2010. Staff had already come to its conclusions and was working with all departments to get Order No. 3 out as soon as possible. Following is a draft version of Order No. 3:

**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Rescinding the Delegation ) DOCKET A-042090  
of Authority to the Secretary of the )  
Commission to authorize temporary fuel )  
surcharges ) ORDER 03  
)  
)  
)  
)  
)  
ORDER RESCINDING DELEGATION  
OF AUTHORITY TO SECRETARY OF  
COMMISSION  
.....

**BACKGROUND**

On April 27, 2005, the Utilities and Transportation Commission (Commission) issued Order 02 in this docket authorizing the Secretary of the Commission, pursuant to RCW 80.01.030, to order temporary fuel surcharges for certain industries regulated by the Commission. The fuel surcharges were to be granted, upon petition by a company, on less than statutory notice and were effective for a month.

The order authorized solid waste, auto transportation, commercial ferry and household goods moving companies to petition the Commission for short term fuel surcharges in order to offset rising fuel prices not reflected in approved rates or fares.

For household goods companies, the fuel surcharge is calculated on an average of current year price and base year price as reported by the Oil Price Information Services (OPIS) and the American Automobile Association of Washington. Base year prices were those established in 2003 by the two reporting services. Fuel surcharges for the household goods moving industry have been largely unnecessary since a single tariff and banded rates allowed companies the flexibility to adjust rates in order to compensate for variations in fuel prices.

Under the approved methodology for auto transportation and commercial ferry companies, increases are limited to no more than 20 percent of the base fare of the service to which the surcharge would apply. Solid waste companies are allowed to increase all rates and charges by any percentage amount above a one percent increase in the base ratio of total fuel costs to revenue from the last rate case test period or calendar year 2003.

Since 2006, the Commission has approved over 700 separate fuel surcharge filings for the industries covered under this order. The majority of filings, 64 percent, are from solid waste companies followed by auto transportation with 33 percent. Commercial ferry companies comprise slightly over 3 percent of fuel surcharge filings and, since 2008, no commercial ferry company has requested a fuel surcharge.

A little over half of the solid waste companies regulated by the Commission have filed fuel surcharges since 2006. Of those, 13 companies are using test periods older than 6 years. Only a third of the auto transportation companies (mostly airporters) have filed for fuel surcharges during this same period. Of those, only two have submitted general rate cases in the last 3 years. The household goods moving industry has not applied for a fuel surcharge since 2008 when it made such application which it later withdrew.

The original rationale for expediting requests for fuel surcharges in 2005 was that rapidly rising fuel prices were resulting in fares and rates that were, in many cases, insufficient. Initially, the Commission adopted a practice of approving fuel cost surcharges on a regular basis often waiving statutory notice periods to expedite their consideration as open meeting items before finally settling on the current practice in use today. The current process relies on the authority of the Commission under RCW 80.01.030 to "deputize one or more of its assistants to perform, in the name of the commission, such duties of the commission as it deems expedient." However, the Commission is not allowed to delegate the exercise of discretionary authority of the Commission. Therefore, the Commission may delegate authority to approve these surcharge petitions only if it also establishes specific requirements for those surcharges.

Fuel prices have remained steady since June 2009 and are predicted to remain constant for the foreseeable future given current economic conditions and weaker demand. Consequently, the circumstances creating the expedited process to grant fuel surcharges by delegating the authority to the secretary no longer exists.

Companies wishing to increase rates must show that the proposed rates are just, fair, reasonable, and sufficient. In order to allow affected companies sufficient time to plan, staff recommends that the delegation remain in place through November 30, 2010.

In summary, staff recommends that the authority delegated to the secretary to authorize fuel surcharges be rescinded effective November 30, 2010.

## **FINDINGS AND CONCLUSIONS**



- (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, rules, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies, auto transportation companies, commercial ferry companies and household goods carriers. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.08, RCW 81.12, RCW 81.16, RCW 81.28, RCW 81.68, RCW 81.80, RCW 81.84 and RCW 81.77.*
- (2) This matter came before the Commission at its regularly scheduled meeting on September 30, 2010.
- (3) RCW 81.28.010 states that, "All charges made for any service rendered or to be rendered in the transportation of persons or property, or in connection therewith, by any common carrier subject to regulation by the commission as to rates and service, or by any two or more such common carriers, must be just, fair, reasonable, and sufficient."
- (4) Public service companies can petition the Commission for a tariff revision amending fares, rates and charges to cover changes in expenses. Additionally, companies may request less than statutory notice handling as may be required for emerging market conditions.

## **ORDER**

### **THE COMMISSION ORDERS:**

- (1) Order 02, Docket No. A-042090, dated April 27, 2005, authorizing the Secretary of the Commission to order temporary fuel surcharges for auto transportation companies, commercial ferries, and household goods companies, is rescinded effective November 30, 2010.

DATED at Olympia, Washington, and effective September 30, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**And this Quality reasearch:**

**From:** Gomez, David (UTC)

**Sent:** Wednesday, September 29, 2010 4:45 PM

**To:** Eckhardt, Gene (UTC); Solwick, Anne (UTC)

**Subject:** RE: Companies who have filed a rate case in the last 5 years

Filed	Company
2/15/2006	PACIFIC NORTHWEST TRANSPORTATION SERVICES INC
3/6/2006	BLAINE-BAY REFUSE, INC.
11/10/2009	Basin Disposal of Washington, LLC
11/10/2009	BASIN DISPOSAL OF YAKIMA, LLC

11/12/2009 YAKIMA WASTE SYSTEMS, INC.

Sorry for my mistake

**From:** Eckhardt, Gene (UTC)  
**Sent:** Wednesday, September 29, 2010 4:39 PM  
**To:** Gomez, David (UTC)  
**Subject:** RE: Companies who have filed a rate case in the last 5 years

No auto trans companies?

***This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.***

Eugene K. Eckhardt

Assistant Director of Water and Transportation

Washington Utilities and Transportation Commission

PO Box 47250

Olympia, WA 98504-7250

Tel: (360) 664-1249

FAX: (360) 586-1150

E-mail: geckhard@utc.wa.gov

**From:** Gomez, David (UTC)  
**Sent:** Wednesday, September 29, 2010 4:38 PM  
**To:** Solwick, Anne (UTC)

**Cc:** Eckhardt, Gene (UTC)

**Subject:** Companies who have filed a rate case in the last 5 years

Here are the companies who have filed rate cases in the last five years.

BLAINE-BAY REFUSE, INC.

Basin Disposal of Washington, LLC

BASIN DISPOSAL OF YAKIMA, LLC

YAKIMA WASTE SYSTEMS, INC.

**This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.**

**David C. Gomez**

**Deputy Assistant Director, Water and Transportation**

**Washington Utilities and Transportation Commission**

PO Box 47250

Olympia, WA 98504-7250

Tel: (360) 664-1240

FAX: (360) 586-1150

E-mail: [dagomez@wutc.wa.gov](mailto:dagomez@wutc.wa.gov)