

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of

SUNCADIA WATER COMPANY, LLC,

Petitioner,

For Less Than Statutory Notice in
Connection with Tariff Revisions and an
Exemption from WAC 480-110-425 Related
to Customer Notice Requirements

DOCKET UW-200197

ORDER 01

GRANTING REQUEST FOR LESS
THAN STATUTORY NOTICE;
GRANTING EXEMPTION FROM
RULE; ALLOWING TARIFF
REVISION TO BECOME
EFFECTIVE

BACKGROUND

- 1 On March 17, 2020, Suncadia Water Company, LLC, (Suncadia Water or Company) filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-01, designated as First Revision of Sheet No. 6 canceling Original Sheet No. 6. The purpose of this filing is to make minor modifications that would allow the Company discretion in assessing Late Payment Charges.
- 2 RCW 80.28.060 and WAC 480-110-425 require 30 days' notice to customers prior to the effective date of the tariff. The tariff sheet bears an effective date of April 15, 2020, consistent with statutory notice requirements. Suncadia Water, however, has requested that the tariff revision become effective March 18, 2020, on less than statutory notice to allow Suncadia Water to immediately respond to the rapidly changing conditions customers are facing due to the COVID-19 pandemic.
- 3 WAC 480-110-425 also requires 30 days' notice to customers prior to the requested effective date when a water company proposes to change its current tariff. Granting Suncadia Water's less than statutory notice request also requires an exemption from WAC 480-110-425. For the same reasons Suncadia Water identified for seeking less than statutory notice treatment, the Company seeks an exemption from the customer notice requirements set out in WAC 480-110-425. The Company states in its request for exemption that it will notify customers of the change in its tariff by posting an explanation at its offices and on its website.

4 Commission staff (Staff) reviewed the proposed tariff revision and agrees that it is appropriate in light of the emergent circumstances related to the COVID-19 pandemic and the potential adverse effects the virus may have on Suncadia Water's customers.

5 Staff believes the proposed tariff revision is reasonable, and that both less than statutory notice treatment and an exemption from WAC 480-110-425 are consistent with the public interest. Staff recommends that the Commission grant Suncadia Water's request to allow the proposed tariff revision to go into effect with less than statutory notice on March 18, 2020.

DISCUSSION

6 We agree with Staff that the proposed revision, which was filed in response to an emergency situation that has the potential to place a portion of Suncadia Water's most vulnerable customers at risk of disconnection, is decidedly in the public interest.

7 We also grant the Company's request for less than statutory notice and its request for an exemption from WAC 480-110-425. Pursuant to RCW 80.28.060 and WAC 480-80-122, the Commission may allow tariff changes, for good cause shown, without requiring 30 days' notice by order specifying the changes to be made and the time when the order shall take effect. Here, we find that the COVID-19 pandemic and the associated issues that could result from disconnecting utility service during a state of emergency unequivocally constitutes good cause to permit the tariff revision to become effective on less than statutory notice. Moreover, granting an exemption from WAC 480-110-425 in light of these circumstances is consistent with the purposes underlying regulation, with applicable statutes, and with the public interest.¹

8 Accordingly, we allow the tariff revision to become effective on less than statutory notice.

FINDINGS AND CONCLUSIONS

9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts and affiliated interests of public service companies, including water companies.

¹ Under WAC 480-110-205 the Commission may grant an exemption from the provisions of any rule in WAC 480-110 if doing so is consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also* WAC 480-07-110.

- 10 (2) Suncadia Water is a water company and a public service company subject to Commission jurisdiction.
- 11 (3) This matter came before the Commission at its special open meeting on March 26, 2020.
- 12 (4) Staff has reviewed Suncadia Water's request in Docket UW-200197 and recommends the Commission grant the Company's less than statutory notice request. Staff further recommends the Commission grant an exemption from WAC 480-110-425 and require Suncadia Water to notify customers by posting an explanation of the tariff revision at its offices and on its website.
- 13 (5) Suncadia Water is subject to RCW 80.28.060 and WAC 480-80-121, which require water companies to file changes in any rate or charge with 30 days' notice. For good cause shown, however, the Commission may allow changes without requiring 30 days' notice by order specifying the changes to be made and the time when it shall take effect. WAC 480-110-425 contains similar notice requirements.
- 14 (6) Under WAC 480-110-205 the Commission may grant an exemption from the provisions of any rule in WAC 480-110 if doing so is consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 15 (7) Based on the COVID-19 pandemic and resulting state of emergency, the Commission finds good cause to allow the tariff revision filed by Suncadia Water on March 17, 2020, to become effective with less than statutory notice on March 18, 2020.
- 16 (8) For those same reasons, the Commission also finds Suncadia Water should be granted an exemption to the customer notice requirements in WAC 480-110-425, and that granting such an exemption is consistent with the public interest, the purposes underlying regulation and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 17 (1) Suncadia Water Company, LLC's request for less than statutory notice is granted.

- 18 (2) Suncadia Water Company, LLC's request for an exemption from WAC 480-110-425, which requires notice to customers of any tariff change, is granted. Suncadia Water Company, LLC, must provide notice to customers by posting an explanation of the tariff revision at its offices and on its website.
- 19 (3) The tariff revision Suncadia Water Company, LLC, filed on March 17, 2020, will become effective on less than statutory notice on March 18, 2020.
- 20 (4) The Commission retains jurisdiction over this matter for the purposes of effectuating 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 March 17, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary