Agenda Date: September 12, 2001
Item Number: 3A

Docket Number: **TG-011084**
Company Name: Waste Management of Washington, Inc., G-237 d/b/a Rural Skagit
                                 Sanitation.

<u>Staff</u>:   Layne Demas, Regulatory Services
                                 Chris Vernon, Public Involvement Coordinator

<u>Recommendation</u>:

Suspend tariff supplement 2 in the filing by Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation in Docket TG-011084 to recover the 3% Swinomish Tribal business activity tax.

Allow tariff Supplement 2 to become effective September 15, 2001, on a temporary basis subject to refund or credit.

Take no action on the Saturday overtime rates and allow to become effective September 15, 2001, by order of law.

<u>Discussion</u>:

On July 31, 2001, Waste Management of Washington, Inc., d/b/a Rural Skagit Sanitation (Rural) filed tariff Supplement 2 in Docket TG-011084 to recover the 3% Swinomish Tribal Community business activity tax on businesses providing solid waste collection services on the Swinomish reservation. Currently there are several complaints filed against this tribal tax and a similar tax levied by the Lummi Tribe. The recommendation to suspend allows the filing to be consolidated with the complaints in Dockets UT-010988 et al. Hearings have been scheduled for the complaints in UT-010988 et al. with a pre-hearing conference scheduled for
October 22, 2001. The recommendation to allow temporary rates puts Rural on equal ground with other regulated entities, currently collecting the tribal tax, until such time as the legality of the tax is determined. A copy of the Swinomish ordinance is attached.

Staff recommends the Commission suspend tariff supplement 2 filed in Docket TG-011084 and allow the supplement to become effective September 15, 2001, on a temporary basis subject to refund or credit. Also filed was a Saturday overtime rate on page 9 of Rural's tariff. Staff recommends the Commission take no action on the Saturday overtime rate and allow the rate to become affective September 15, 2001, by order of law.

Attachment