

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASHINGTON WATER SUPPLY, INC.,

Respondent.

DOCKET UW-230997

COMMISSION STAFF'S RESPONSE
TO WASHINGTON WATER
SUPPLY, INC.'S MOTION TO
AMEND SURCHARGE ENTERED
PURSUANT TO SETTLEMENT
STIPULATION AND AGREEMENT

I. INTRODUCTION

1 Washington Water Supply, Inc. (WWS or the Company) moves to amend the surcharge entered pursuant to the Settlement Stipulation and Agreement (Settlement) approved by the Commission on June 14, 2024. Specifically, WWS requests to file a surcharge that changes the dates when the surcharge will be collected. Because WWS requests to change only the dates of collection, Staff does not object to WWS's request.

III. STATEMENT OF FACTS

2 On July 12, 2023, WWS filed with the Washington Utilities and Transportation Commission (Commission) a tariff revision in Docket UW-230598. The revision included a surcharge of \$60 per month to 42 customers for the recovery of purchased water expenses due to well issues and high summer usage on the Echo Glenn water system located in Maple Valley.¹

¹ *WUTC v. Washington Water Supply Inc.*, Docket UW-230997, Order 04, 1 ¶1 (June 14, 2024).

3 On August 10, 2023, the Commission issued Order 01 in Docket UW-230598 that
allowed the surcharge of \$60 per month, effective August 15, 2023. Order 01 included
several conditions, including that the surcharge would expire on November 15, 2023.²

4 On December 8, 2023, the Company filed tariff pages to re-instate the \$60.00 per
month surcharge for six months or until it collects \$13,710.00, to collect the remainder of
water trucking costs initiating this Docket.³

5 On January 11, 2024, this matter came before the Commission at its regularly
scheduled open meeting. Following the open meeting, the Commission issued Order 01 in
this Docket suspending the filing, as recommended by Staff.⁴

6 On May 30, 2024, the parties filed the Settlement, which was agreed to by all parties
and resolved all issues relating to the surcharge for costs related to hauling water.⁵

7 In the Settlement, the parties stipulated that WWS incurred \$21,269.90 in expenses
to haul water for its Echo Glenn customers between June and September 2023. The parties
agreed the Company has collected \$7,560.00 in surcharges which were approved in Docket
UW-230598, leaving \$13,709.90 uncollected. The parties agreed WWS should collect the
remaining \$13,709.90 over six months through a surcharge of \$60.00 per customer for the
first five months and \$26.43 per customer for the final month. The parties further agreed
customers may elect to pay a one-time payment of \$326.43 in lieu of the monthly charges.⁶

² *Id.* at 1 ¶2.

³ *Id.* at 1 ¶3.

⁴ *Id.* at 2 ¶8.

⁵ *Id.* at 2 ¶12.

⁶ *WUTC v. Washington Water Supply Inc.*, Docket UW-230997, Order 04, 3 ¶15 (June 14, 2024).

8 As part of the Settlement, the Company also agreed to file a revised Cost Recovery
Surcharge, the language of which was contained in the Settlement.⁷

9 On June 14, 2024, the Commission approved the Settlement, finding that it was
lawful, supported by an appropriate record, and in the public interest.⁸

10 The Commission authorized WWS to make a compliance filing including the new
and revised surcharge tariff sheets as necessary to implement the Commission's order within
ten days of the effective date of the order.⁹ The Commission also directed WWS to issue a
notice explaining the surcharge to its customers within ten days of the effective date of the
order.¹⁰

11 WWS filed a Revised Cost Recovery Surcharge on June 18, 2024. The revised
surcharge tariff sheet indicates the amount to be collected for the months of July through
December of 2024.¹¹ WWS's also filed a customer notice on June 18, 2024, which indicated
collection was to become effective of July 15, 2024, and end December 15, 2024, or upon
recovery of \$13,710.¹²

12 WWS did not collect the surcharge as required by Order 04 and the Revised Cost
Recovery Surcharge it filed on June 18, 2024, pursuant to Order 04.¹³

⁷ *Id.* at 3 ¶16.

⁸ *Id.* at 4-5 ¶26.

⁹ *Id.* at 6 ¶36.

¹⁰ *Id.* at 5 ¶26.

¹¹ *WUTC v. Washington Water Supply Inc.*, Docket UW-230997, Revised Cost Recovery Surcharge (June 18, 2024).

¹² *WUTC v. Washington Water Supply Inc.*, Docket UW-230997, Customer Notice (June 20, 2024).

¹³ Decl. of John Poppe, 2 ¶3.

13 WWS indicates that now the summer is over, the Company would like to implement the surcharge.¹⁴ However, the Company does not indicate the month in which it wishes to begin collection, nor does the Company specifically address whether it sent notice of the surcharge to customers within ten days of issuance of Order 04 as required by the Order.

IV. STATEMENT OF ISSUES

14 Should the Commission Amend Order 04 to allow WWS to file a revised surcharge tariff sheet with new dates for collection?

VI. ARGUMENT

15 Though WWS has submitted a motion to amend the surcharge that was filed pursuant to the Settlement in this docket, WWS's motion should be treated as a petition for amendment of an order pursuant to WAC 480-07-875(1). Order 04 in this Docket authorized and required WWS to make a single compliance filing including the revised surcharge tariff sheet within ten days the effective date of the Order. WWS now requests permission to make an additional compliance filing with another revised surcharge well after Order 04's ten-day deadline. As such, Staff asserts that the Company's request requires an amendment to Order 04.

16 The Commission may act in response to a petition to alter or amend any order that it has entered.¹⁵ A petition to amend a Commission order must comply with the requirements of WAC 480-07-870 for a petition for rehearing.¹⁶ Under WAC 480-07-870, a petition for rehearing must set forth sufficient grounds and must include substantial evidence or an offer

¹⁴ *WUTC v. Washington Water Supply Inc.*, Docket UW-230997, Respondent's Motion to Amend Surcharge, 3:2-3 (Sept. 30, 2024).

¹⁵ WAC 480-07-875(1).

¹⁶ *Id.*

of proof in support of the relief requested. Sufficient grounds for rehearing consist of the following:

- (a) Changed conditions since the commission entered the order;
- (b) Harm to the petitioner resulting from the order that the commission did not consider or anticipate when it entered the order;
- (c) An effect of the order that the commission or the petitioner did not contemplate or intend; or
- (d) Any good and sufficient cause that the commission did not consider or determine in the order.¹⁷

17 Staff asserts that the only applicable grounds for WWS's request is WAC 480-07-870(1)(d), "any good and sufficient cause that the Commission did not consider or determine in the order." Certainly, the Commission did not consider in its order that WWS did not wish to begin collecting the surcharge until the summer was over. WWS did not state its intention to delay collection; on the contrary, WWS filed its revised tariff surcharge sheet indicating collection was to begin in July 2024. Staff was likewise unaware of the Company's intentions.

18 Staff has concerns with the Company's request. Staff is concerned that the Company did not implement the surcharge and has not been collecting rates according to the revised surcharge tariff sheets as required by Order 04. Staff is also concerned about possible confusion to customers that may result from receiving notice twice regarding the same surcharge, if the Company did indeed send notice to customers within ten days of issuance of Order 04 as required by that Order. However, Staff is not objecting to WWS's request because WWS is only requesting to amend the months in which the surcharge is to be collected and the precise months of collection were not specified in the Settlement. Staff respectfully requests that if the Commission grants the Company's request, that the

¹⁷ WAC 480-07-870(1).

Company be ordered to begin collection of the surcharge promptly. Staff also requests that the Company be ordered to send notice to customers that adequately explains the Company's actions and file confirmation that the notice was sent, including the date sent and the method by which notice was provided.

VII. CONCLUSION

19 For the foregoing reasons, Staff does not object to an amendment to Order 04 allowing the Company to file another revised surcharge tariff sheet that changes only the months of collection.

DATED this 7th day of October 2024.

Respectfully submitted,

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