



45 day filing clarifications for notices regarding RCW 81.28.050

RCW 81.28.050: Tariff changes—Notice—Exception—Waiver of provisions during state of emergency, requires solid waste companies to provide 45 days' notice to the Commission and the public for any tariff revision that proposes to change rates, charges, rules, or regulations. Solid waste companies may request Less than Statutory Notice (LSN) in the event of an emergency or for good cause shown. The Commission generally considers good cause shown for:

- Initial tariff filings that accompany applications for certificated authority.
- Tariff adoptions filed under the provisions of WAC 480-70-321 for a name change or change in ownership.
- Tariff filings only for the purpose of adding a new service option or a service level which has not been previously included in the company's tariff.
- Tariff filings that implement decreases in rates or charges.
- Tariff changes implementing nonrecurring charges (e.g., late payment fees, NSF fees, one-time charges, etc.), local taxes, disposal fee increase, fuel surcharges, credits or refunds, and/or any other fees and charges initiated and required by a third party.

The Commission will consider LSN requests at open meetings. LSN requests must be **filed at least seven business days in advance of an open meeting** and a company must request an effective date at least one day after the open meeting. If a solid waste company fails to meet these requirements or fails to demonstrate that an emergency or good cause exists, Staff will recommend to the Commission to deny the LSN request.

WAC 480-70-261

Tariffs requiring one-day notice to the commission.

The commission may approve on one-day notice:

- 1) Initial tariff filings that accompany applications for certificated authority;
- 2) Tariff adoptions filed under the provisions of WAC 480-70-321; and
- 3) Tariff filings whose only purpose is to add a new service option or a service level which has not been previously included in the company's tariff if that service option or service level is requested by a customer.

WAC 480-70-262

Tariffs requiring seven-day notice to the commission.

A company must provide at least seven calendar-days' notice to the commission on filings whose only purpose is:

- 1) To implement decreases in rates or charges; or
- 2) To add a new service option or service level that has not been previously included in the company's tariff.

Customer Notices

The company should start the process for customer notice with Consumer Protection earlier than previously practiced for items listed below in WAC 480-70-271(1), but the Commission would still consider an LSN request for 30 days customer notice for items in WAC 480-70-271(2).

WAC 480-70-271:

1) Customer notice before commission action.

- a) **Thirty days' customer notice requirement.** A company must provide each affected customer a notice at least thirty days before the requested effective date when a company proposes to (see exceptions in subsection (2) of this section):
- i) Increase recurring monthly rates;
 - ii) File a general rate case;
 - iii) Institute a charge for a service that was formerly provided without charge; or
 - iv) Restrict access to services (e.g., discontinue a service or limit access to service by imposing a new usage level on existing services). In some circumstances, it is ok to request LSN for the following types of tariff changes in WAC 480-70-271(2)

2) Customer notice after final commission action.

- a) **Notice required.** Each affected customer must receive notice on or with the first bill after the final commission decision when a company increases rates for:
- i) Nonrecurring charges (e.g., late payment fees, NSF fees, one-time charge, etc.);
 - ii) Local taxes;
 - iii) Disposal fee increases;
 - iv) Fuel surcharges;
 - v) Credits or refunds; and
 - vi) Commodity credits and charges.

Examples of common filings when either a Commission Notice or Customer Notice LSN request would be supported by staff.

Filing Type	Commission Notice	LSN	Customer Notice	LSN
General Rate Increase	45	N	45	N
Disposal fees increase	45	Y	1st Bill	Y
Annual Commodity adjustment	45	N	1st Bill	Y
Add new service	If <45 days	Y	If <45 days	Y
Rate decrease	If <45 days	Y	If <45 days	Y
Rate increase due to error	45	N	45	N*
Fuel Surcharge	If <45 days	Y	1st Bill	Y

Earliest LSN requested effective date is the day after the item appears at an Open Meeting

*If a customer notice would otherwise be required.