

WAC 479-510-450 Transportation Equity Act for the 21st Century or its successor acts, enhancement program account—Eligibility. (1) Eligibility to apply shall be limited to public agencies.

(2) Programs and projects eligible for funding shall be limited to the following purposes:

- (a) Provision of bicycle and pedestrian facilities;
 - (b) Acquisition of scenic easement;
 - (c) Scenic or historic highway programs (including tourist and welcome center facilities);
 - (d) Landscaping and other scenic beautification;
 - (e) Historic preservation;
 - (f) Rehabilitation and operation of historic transportation buildings, structures or facilities;
 - (g) Preservation of abandoned railway corridors;
 - (h) Control and removal of outdoor advertising;
 - (i) Archaeological planning and research;
 - (j) Mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
 - (l) Establishment of transportation museums.
- (3) Projects eligible for funding under the account shall be limited to applications that directly benefit Washington state.

[Statutory Authority: Chapters 47.26 and 47.66 RCW. 99-08-020, § 479-510-450, filed 3/29/99, effective 4/29/99.]

WAC 479-510-460 Transportation Equity Act for the 21st Century or its successor acts, enhancement program account—Criteria. (1) Projects selected for funding from the enhancement program account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
 - (b) Local comprehensive land use plans.
- (2) The following procedures shall be considered:
- (a) Project applications shall be reviewed and regionally prioritized by the regional transportation planning organizations or metropolitan planning organizations and shall be forwarded to the transportation improvement board for selection.
 - (b) The Washington state department of transportation shall prepare application forms and guidelines to assist eligible applicants and ensure their distribution to all eligible applicants no later than thirty days prior to the date on which the applications must be submitted.
 - (c) The transportation improvement board shall establish priorities to fund regionally significant projects by allocating 25% of the funds to projects on a statewide basis and the remaining funds based on population distribution to the regional transportation planning organizations or metropolitan planning organizations.
 - (d) The transportation improvement board shall select projects for the enhancement program and forward the recommended list to the legislature, governor's office and Washington state department of transportation on March 26, 1999 and by February 1st for each year thereafter.

[Statutory Authority: Chapters 47.26 and 47.66 RCW. 99-08-020, § 479-510-460, filed 3/29/99, effective 4/29/99.]

[2000 WAC Supp—page 2170]

WAC 479-510-500 Repealed. See Disposition Table at beginning of this chapter.

Title 480 WAC UTILITIES AND TRANSPORTATION COMMISSION

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Chapter 480-09 WAC PROCEDURE

<p>WAC 480-09-005</p> <p>480-09-010 480-09-012 480-09-100 480-09-101</p> <p>480-09-115 480-09-120</p> <p>480-09-125 480-09-130 480-09-135 480-09-140 480-09-150 480-09-200 480-09-210 480-09-220 480-09-230 480-09-337</p> <p>480-09-340 480-09-390</p>	<p>Scope of this chapter—How to communicate with the commission. When this chapter applies—Exceptions. Incorporated and referenced materials. Sending communications to the commission. When communications are received; required identification of sender; communications from the commission. Procedure at open public meetings. Filing and service filing by telefacsimile; number of copies. Failure to file sufficient copies—Costs of copying. Computation of time. Variation from time limits. Ex parte communications. Informal complaints. Interpretive and policy statements. Rule-making procedures—Rules coordinator. Petitions for rule making, amendment, or repeal. Declaratory orders. Filing requirements—General rate increases water companies. Compliance filings. Objections to closures of highway-railroad grade crossings.</p>
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480-09-400 Applications for adjudicative proceedings.
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 480-09-830 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-09-830 Compliance with orders. [Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-830, filed 10/12/89, effective 11/12/89.] Repealed by 99-05-031 (Order R-455, Docket No. A-970591), filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 34.05.220 and 80.01.040.

WAC 480-09-005 Scope of this chapter—How to communicate with the commission. This chapter explains how to present written communications to the Washington utilities and transportation commission (called "the commission" in this chapter) and how various proceedings are conducted at the commission. Topics covered include how these rules operate; where and how to send letters to assure that they reach a person who can deal with them; requirements for submitting formal written documents such as pleadings; and rules that guide various proceedings.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-005, filed 2/10/99, effective 3/13/99.]

WAC 480-09-010 When this chapter applies—Exceptions. (1) General application. This chapter applies generally to most dealings with and proceedings before the commission.

(2) Special rules. When rules in other chapters apply to certain classes of public service companies or to particular proceedings, those special rules govern if they conflict with these general rules.

(3) Modifications and exceptions. The commission may make exceptions to these rules in individual cases when doing so is just and reasonable.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-010, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-010, filed 10/12/89, effective 11/12/89.]

WAC 480-09-012 Incorporated and referenced materials. Any document that is incorporated by reference in a commission rule or order is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library. The branch library is located in commission's headquarters office. The commission secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge and subject to copyright restrictions. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule or enters an order that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-012, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-012, filed 12/1/93, effective 1/1/94.]

WAC 480-09-100 Sending communications to the commission. This section governs communications to the commission except requests for public records, which are governed by chapter 480-04 WAC.

(1) Limitation of content. Letters and electronic mail messages to the Washington utilities and transportation commission ("commission") must include only one subject, to assure that the message is properly handled.

(2) Required identification of sender, proceeding, and document.

(a) Identification of sender. All communications must identify the name and title or position of the sender, the name of the entity on whose behalf the communication is sent, and a return address. Any letter or other communication that the holder of any commission-issued permit, license, or certificate sends to the commission must also identify the exact name and the number (if any) under which the authority is held.

(b) Identification of proceeding. Any letter, pleading, or other communication to the commission that relates to a commission proceeding must identify the proceeding to the best of the writer's ability, at the top of the first page. The identification must include the docket number and name of the proceeding, if known to the writer, the name and position of the party for whom it is submitted.

(c) Identification of communication. Any communication that relates to a commission proceeding must identify the name of the communication (e.g., comment; motion; answer) at the top of the first page.

(3) How to address communications. All communications relating to formal proceedings must be addressed to the commission secretary. Formal communications should not

be addressed to individual members of the commission staff because such documents may escape the filing and record-keeping necessary to document control.

(a) All written communications to the commission must be addressed to: The Secretary, Washington Utilities & Transportation Commission, 1300 S. Evergreen Park Dr SW, PO Box 47250, Olympia, WA 98504-7250. The commission records center will see that the correspondence promptly reaches a person who is able to deal with it.

(b) Electronic transmissions—E-Mail and Telefacsimile transmissions.

(i) When electronic transmission may be used. Electronic mail and telefacsimile messages may be used to submit correspondence or documents for filing as specified in WAC 480-09-120, for informal communication with commission staff members, and for providing courtesy copies to staff. Electronic transmission is not acceptable for formal correspondence or documents to be filed. The commission may make exceptions to this requirement in individual cases and may impose conditions on the use of electronic transmission.

(ii) Where to send electronic submissions. All electronic mail should be addressed to records@wutc.wa.gov. All telefacsimile transmissions should be sent to (360) 586-1150 or another number designated by the commission secretary. Courtesy or informational copies may be sent to other commission telefax machines or other electronic mail addresses for individual commission staff members.

(4) Updated addresses. The addresses listed in this chapter are current at the time of rule adoption. The commission will provide current information at any time on request.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-100, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-100, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-100, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-100, filed 10/12/89, effective 11/12/89.]

WAC 480-09-101 When communications are received; required identification of sender; communications from the commission. (1) When documents are officially received. All communications and other submitted materials are officially received only when physically received in the commission records center and stamped with the date and time. Documents and communications that are received in the commission records center after 5:00 p.m. of one business day and before the start of the next business day are not considered officially received until the next business day when they are stamped with the date and time. Documents that are submitted by telefacsimile or electronic mail are officially received only when a paper copy is stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing.

(a) During a meeting or hearing, the presiding officer may accept documents relating to the subject of the meeting or hearing.

(b) Requests for public records are governed in chapter 480-04 WAC.

(2) Communications from the commission. Official communications from the commission must be signed by the commissioners, the secretary of the commission, or the secretary's designee. Communications relating to an adjudication may be signed by the presiding administrative law judge or the administrative law judge's designee.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-101, filed 2/10/99, effective 3/13/99.]

WAC 480-09-115 Procedure at open public meetings.

(1) Meetings. The commission will hold regular meetings for the conduct of business under chapter 42.30 RCW, the Open Public Meetings Act. The meetings will begin at 9:30 a.m., on the second, fourth and fifth Wednesday of each month in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting will be held on the next business day or on an alternate schedule published in the *Washington State Register*. Regular meetings may be canceled, and special meetings may be convened, under RCW 42.30.080. The commission may change the time and place of regular meetings from the information set out in this section. The current time and place are published, as required, in the *Washington State Register*; on the commission's Internet web site, and are available through telephone inquiry.

(2) Agenda. The commission secretary will direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary will identify each item scheduled for discussion and action, as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation under Title 81 RCW; or "other." The secretary shall group similarly identified items together on the agenda.

(3) "No action" agenda. Any request, proposal, or other filing which will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. The secretary may place any item which the secretary believes to be noncontroversial on a "consent agenda" portion of the open meeting agenda. The commission will ask at the meeting if any person wants to address any consent agenda item and an item will be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion and may be collectively approved by a single vote of the commission.

(5) Orders. The secretary may enter any order or sign any document necessary to implement an open meeting decision of the commissioners, when the commission so directs.

(6) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-115, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-23-050 (Order R-402, Docket No. A-931053), § 480-09-115, filed 11/12/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-

034 (Order R-351, Docket No. A-910835), § 480-09-115, filed 10/30/91, effective 11/30/91.]

WAC 480-09-120 Filing and service filing by telefacsimile; number of copies. (1) When filing is complete. Filing of any document is complete only when the document and the required number of copies are received by the commission records center, printed (if printing is necessary to produce a paper copy) and stamped with the date and time. When authorized by the presiding officer of a proceeding before the commission, filing of a document for purposes of the proceeding is complete when the presiding officer receives the document.

(a) When telefacsimile filing is allowed. Receipt in the commission's telefax machine, or similar device, does not constitute filing except as otherwise allowed in this rule. The following documents may be filed by telefacsimile device when the filing party, except as specifically noted, sends a hard copy postmarked on the day of filing, which is received in the normal course of commerce.

(i) Tariff filings, when a hard copy is filed the next business day, as provided in WAC 480-80-070;

(ii) Form E proof of insurance, when a hard copy is filed within ten days;

(iii) Tariff filings by solid waste companies, auto transportation companies, steamboat companies and motor carriers;

(iv) Proposals to amend commission tariffs, as provided in WAC 480-12-295; and

(v) Other documents, when the commission specifically allows or requires filing by telefacsimile in individual instances, when required for timely consideration or for the commission's convenience. The commission may charge for making copies for internal distribution under WAC 480-09-125.

(b) Number of copies. Unless the commission specifies a different number of copies, every original pleading submitted to the commission shall be filed with nineteen copies. Parties who file an electronic copy of a pleading may file an original plus six paper copies. The electronic copy must comply with (b)(ii) of this subsection. When a person files a document by telefacsimile, the document should not be sent more than once except to cure transmission or receiving errors. Documents may be submitted single sided or double sided.

(i) The number of required copies is established to meet average commission need. Parties to a proceeding should ask the commission records center or the presiding officer whether fewer copies may be required in a given case. If the required number of copies would be a hardship, a party may describe the hardship and request exemption from the stated number of copies.

(ii) The commission encourages parties submitting pre-filed testimony and exhibits, briefs, and pleadings to submit the document in electronic form, with the agreed number of hard copies. In some instances electronic submissions are required, and in some instances electronic submissions will substitute for hard copies. Unless the commission directs otherwise, electronic submissions are to be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect ver-

sion 5.1, 6.0, or 6.1, labeled with the docket number of the proceeding, the name of the company and/or individual submitting the document, and type of software used.

(c) Filing and service are different. Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(d) Certificate of service. Filing a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in subsection (2)(f) of this rule.

(e) The commission encourages each party to provide courtesy copies of documents that it files in rulemakings and adjudications to presiding officers and other staff persons by electronic mail. Providing such copies does not relieve a party of the obligation to otherwise file or serve documents.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served must be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Parties must serve documents by delivering one copy to each other party by one of the following methods: In person; by mailing, properly addressed with first class postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service by mail is complete when a copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company is complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person; by mail; by commercial parcel delivery company, properly tendered with fees prepaid; or by telefacsimile transmission, when originals are mailed simultaneously. Service is complete when a copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Electronic mail. A party may consent to receive service by electronic mail. The consent, which waives the party's right to other forms of service, must be in writing and filed with the commission in the docket for which consent is given.

(e) The risk of failure of service by electronic means falls upon the person choosing that form of service.

(f) Certificate of service. Each person filing a pleading with the commission must include on the original of the pleading under this subsection (2) of this section either an acknowledgment of service or the following certificate:

"I hereby certify that I have this day served this document upon all parties of record in this proceeding, by (state the authorized method of service selected under WAC 480-09-120 (2)(a))"

Dated at this day of

(signature)

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-120, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-120, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-120, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-120, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-120, filed 10/12/89, effective 11/12/89.]

WAC 480-09-125 Failure to file sufficient copies—Costs of copying. (1) If a person files fewer than the required number of copies of a document, the commission may reject the filing. If needed for administrative convenience, the commission will make the additional copies for distribution and processing within the commission. "Administrative convenience" means that not having access to the documents would hamper the commission in fulfilling its duties.

(2) If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus current sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the fully allocated cost of materials.

(3) The commission may assess a penalty against any person who, within twelve months, again fails to file the required number of copies of any document.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-125, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 91-07-026 (Order R-339, Docket No. A-900425), § 480-09-125, filed 3/14/91, effective 4/14/91.]

WAC 480-09-130 Computation of time. The time for doing an act governed by this chapter shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then the last day is excluded from the computation.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-130, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-130, filed 10/12/89, effective 11/12/89.]

WAC 480-09-135 Variation from time limits. (1) Time set by chapter 34.05 RCW. The commission in individual instances may lengthen or shorten the time stated in chapter 34.05 RCW for action in its discretion, under RCW 34.05.080.

(2) Time set by the commission rule. The commission may lengthen or shorten the time stated in these rules for action in its discretion.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-135, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-135, filed 10/12/89, effective 11/12/89.]

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WAC 480-09-140 Ex parte communications. (1) General. After an adjudicative proceeding begins and before a final determination, no party to the proceeding, or counsel for a party or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties to the proceeding, so that they may attend the conference. When a party initiates correspondence with a presiding or reviewing officer regarding any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of that service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-140, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-140, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-140, filed 10/12/89, effective 11/12/89.]

WAC 480-09-150 Informal complaints. (1) (a) How to make an informal complaint. Persons may make informal complaints to the commission about any business that the commission regulates by letter, sent by mail, telefax, or electronic mail, or by telephone. See WAC 480-09-100 and 480-09-101 for general information about addressing correspondence. Persons may also register an informal complaint by telephone with a commission service examiner.

(b) Commission response; result. Commission staff may discuss the subjects of informal complaints with the affected persons, by correspondence or otherwise, to assist the parties to resolve the complaint by agreement without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.) An informal complaint may not result in an order that compels a person to do something or forbids a person from doing something.

(2) Contents. An informal complaint should present all facts needed to resolve the complaint, including a description, with all relevant dates, of the acts or omissions that led to the complaint. The complaint should cite to all relevant statutes or rules if the writer knows them.

(3) Making an informal complaint does not prevent any party, or the commission, from filing a formal complaint with the commission. See WAC 480-09-420 and 480-09-425.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-150, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-150, filed 10/12/89, effective 11/12/89.]

WAC 480-09-200 Interpretive and policy statements. (1) General. Upon the petition of any interested person, or upon its own motion, the commission may make and issue interpretive and policy statements when necessary to end a

controversy or to remove a substantial uncertainty about the application of statutes or rules of the commission.

(2) The commission will maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The commission will update the roster periodically. When the commission issues an interpretive or policy statement, it will send a copy of the statement to each person on the roster.

(3) The commission will maintain a file and an index of all currently effective interpretive and policy statements. The statements are available for inspection and copying at the records center in the commission's Olympia headquarters office.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-200, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-200, filed 10/12/89, effective 11/12/89.]

WAC 480-09-210 Rule-making procedures—Rules coordinator. (1) The commission will conduct rule-making proceedings in compliance with the requirements of RCW 34.05.310 through 34.05.395.

(2) The commission maintains a list of persons interested in potential rule-making proceedings. The list is subdivided by regulated industries and other areas of potential interest. The commission sends notice of rule-making proceedings to persons on the list. Any person may be listed by asking in writing that the commission put the person on the relevant list or lists for the person's area of interest. The commission may by order establish a fee for this service.

(3) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator at the address listed in WAC 480-09-100.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-210, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-210, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-210, filed 9/1/92, effective 10/2/92; 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-210, filed 3/5/92, effective 4/5/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-210, filed 10/12/89, effective 11/12/89.]

WAC 480-09-220 Petitions for rule making, amendment, or repeal. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) Petitions for new rules or for the amendment or repeal of existing rules are governed by RCW 34.05.330 and chapter 82-05 WAC.

(3) The commission will provide on request a copy of chapter 82-05 WAC and the form for petitioning for adoption, amendment, or repeal of a state administrative rule.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-220, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-220, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-220, filed 10/12/89, effective 11/12/89.]

WAC 480-09-230 Declaratory orders. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission will consider the petition. Within fifteen days after receiving the petition, the commission will give notice of the petition to all persons required by law and to any other person the commission deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission will:

(1) Enter a declaratory order; or

(2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or

(3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or

(4) Set a reasonable time and place for a hearing. If a hearing is held, it must be held no more than ninety days after receipt of the petition. If a hearing is held, the commission will give at least seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable. The notice must include the time, place, and the issues involved.

(5) The commission may upon a finding of good cause extend the times specified in subsections (3) and (4) of this section.

(6) If a hearing is held or statements of fact are submitted, as provided in subsection (4) of this section, the commission shall within a reasonable time:

(a) Enter a declaratory order; or

(b) Notify the petitioner that no declaratory order is to be entered and state the reasons for the action.

The commission will serve its order upon all persons who are required to receive notice under subsection (4) of this section.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-230, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-230, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-230, filed 10/12/89, effective 11/12/89.]

WAC 480-09-337 Filing requirements—General rate increases water companies. A rate increase filing for a water company must include at least the following information:

(1) Cover letter - each filing must include a cover letter. The letter must:

(a) Provide a description of the filing, and the requested action, in understandable terms;

(i) Technical terms are acceptable, but descriptions must use common terms so the public can easily understand the impact of the filing;

(ii) Acronyms, if used, must be defined before they are used in the text of the letter;

(b) State why the filing is being made, e.g.; increased costs for water testing;

(i) Compliance filings required by prior commission action must include the docket number of the commission action and the name of that proceeding;

(ii) Rate change filings must describe each service that is impacted and the dollar and percentage change for each ser-

vice as well as the net impact of all changes on the company's total regulated revenue;

(iii) Filings that only address changes to the text of the tariff must describe the general effect, and reasons for the changes;

(c) Requests for permission to change tariffs on less than statutory notice will be granted by the commission only when it deems the circumstances or conditions justify the lack of notice. The request must include a complete explanation of the reasons that support less than statutory notice treatment;

(d) Failure to include required information in the cover letter could result in the filing being rejected.

(2) The proposed tariff with explanatory markings.

(3) Supporting work papers for the test period. The supporting work papers must include:

(a) A calculation of the revenue impact of proposed rates by each class affected;

(b) Balance sheet and statement of revenues and expenses;

(c) Depreciation schedule;

(d) If adjustments are proposed, the company must file:

(i) Schedule showing adjustments to the statement of revenues and expenses, including any restating adjustments and/or proforma adjustments including effect of proposed rates;

(ii) Work papers explaining both restating and proforma adjustments;

(e) Usage statistics verifying test year revenues and proposed revenues;

(f) Public water system identification number assigned by Washington department of health for each system that the new rates will affect; and

(g) Schedule showing separation of revenues and expenses between regulated and nonregulated operations.

(4) A copy of the notice mailed to customers.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-09-337, filed 11/30/99, effective 12/31/99.]

WAC 480-09-340 Compliance filings. (1) A compliance filing is a tariff filing that is made to comply with an order authorizing or requiring a specific subsequent later filing. A compliance order is an order approving, suspending, or rejecting a compliance filing.

(a) The person making a compliance filing must also file accompanying work papers and must serve a copy of the filing and the work papers on the attorney of each party to the proceeding in which the compliance filing was authorized or required. Service must be made in a manner to be received by the parties no later than the date filed with the commission unless such service on a party is infeasible because of its size or the timing of the filing, in which case delivery on the day following filing is permissible.

(b) A compliance filing must be strictly limited in scope to the subjects and the tariffs that are necessary to comply with, or that are authorized by, the order leading to the filing.

(c) A cover letter accompanying each compliance filing must identify the order with which the filing is intended to comply.

(2) If the order authorizing or requiring a filing does not state the number of business days required for commission

examination of the proposed compliance tariff between its filing and its stated effective date, the filing is subject to all pertinent requirements for tariff filings of the industry and must be made with the required statutory notice period unless the order provides otherwise. The commission will docket such a filing under its own docket number and will not consider it a continuation of the prior proceeding.

(3) A compliance filing made on less than statutory notice, whether or not a shortened period is authorized or directed in the order leading to the filing, does not become effective automatically on its stated effective date, but requires a commission order of approval. In the absence of an order of approval, the tariff filing does not become effective on the stated effective date, but remains pending until the commission has completed its review. On completing that review, the commission must immediately enter an order under subsection (4) of this section. A compliance filing made on statutory notice is subject to all statutory and regulatory provisions regarding suspension.

(4) If the commission believes that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission will not approve the tariff unless it has preapproved the variance.

(a) The commission may enter an order in the proceeding in which the filing was authorized or required, to (i) suspend a noncomplying filing or any portion that apparently fails to comply, and assign a docket number for processing, or (ii) reject the noncomplying filing, or any portion that apparently fails to comply, without prejudice to the company's refiling a new or original tariff provision under otherwise pertinent law and regulation. The commission may attach such conditions on compliance refiling as it believes appropriate.

(b) The commission may suspend any filing under its own docket number by otherwise pertinent process.

(c) The commission may delegate to the secretary the authority to enter a compliance order in specific proceedings by written authorization; by oral authority later reduced to writing; or by action in an open public meeting.

(d) Failure to identify noncompliance with the relevant commission order before approval does not preclude the commission from taking later steps as authorized by law to secure compliance.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-340, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-340, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-340, filed 10/12/89, effective 11/12/89.]

WAC 480-09-390 Objections to closures of highway-railroad grade crossings. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 must be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission

cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. A person who fails to enter an appearance as prescribed by WAC 480-09-720, will not be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though the person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, the person will not be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although the commission may send the person a courtesy copy of the initial or final order.

(3) Interested persons who lack party status, will be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-390, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-390, filed 1/3/96, effective 2/3/96.]

WAC 480-09-400 Applications for adjudicative proceedings. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving disputed matters. Each application should specify every issue to be adjudicated in the proceeding.

(2) The following, when properly and timely filed, are applications for adjudicative proceedings except:

(a) When specified to the contrary in statute or rule;

(b) When the document is presented during an existing adjudication; or

(c) When the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW: Petitions, when the action sought requires adjudication, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings except when specified to the contrary in statute or rule, when the document is presented during an existing adjudication, or when the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings and set them for hearing.

(4) Within thirty days after receiving an application for an adjudicative proceeding, the commission will notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number of a person on the commission staff that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-400, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-400, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-400, filed 10/12/89, effective 11/12/89.]

WAC 480-09-410 Parties. (1) General. "Person" when used in this chapter means an individual; corporation; partnership; association, or body politic; agency; or municipal corporation. A "party" is a person that has complied with all requirements for establishing and maintaining party status in any proceeding before the commission.

(2) Classification of parties. Parties to proceedings before the commission will be called applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties. The commission staff and the public counsel division of the attorney general's office become parties to an adjudicative proceeding for all purposes upon entering an appearance.

(3) Applicants.

(a) Persons applying for any right or authority that the commission has jurisdiction to grant are "applicants."

(b) Applicants for adjudicative proceedings under chapter 34.05 RCW will be described according to their roles as defined in this section.

(4) Complainants. Persons who file a formal complaint with the commission are "complainants." When the commission brings an adjudication on its own motion, the commission is the "complainant."

(5) Petitioners. Persons petitioning for relief are "petitioners." Persons filing a motion for relief are "movants" or "moving parties."

(6) Respondents. Persons against whom any complaint, petition, or motion is filed are "respondents."

(7) Intervenors. Persons permitted to intervene are "intervenors."

(8) Protestants. Persons opposing applications who have complied with the requirements for the filing of protests are "protestants."

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-410, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-410, filed 10/12/89, effective 11/12/89.]

WAC 480-09-420 Pleadings and briefs—Applications for authority—Protests. Pleadings. Pleadings include

formal complaints, petitions, answers, replies, applications for authority, protests, and written motions.

(1) Legibility; size; length; service. All pleadings and briefs must be legible and, unless the commission authorizes a different size, must be submitted on 8-1/2 x 11 inch paper. Parties may not submit pleadings or briefs that exceed sixty pages without prior permission from the commission. Each party must serve a copy of each of its pleadings upon each party to the proceeding.

(2) Errors in pleadings. The commission may return a pleading to the party filing it for correction when the commission finds the pleading to be defective or insufficient. The commission may correct typographical errors, errors in captions, or errors in spelling of names of parties.

(3) Form. Every pleading must conform with the following form.

At the top of the first page must appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding must be set out or, if no caption exists, the following: "In the Matter of the (Complaint, Petition, Motion, etc.) of (name of the pleading party) for (identify relief sought)." On the right side of the page, opposite the caption must appear the words (Petition, Motion, Reply, etc., of (role of party: e.g., petitioner, respondent, protestant, etc., and name of the party if more than one party has the same role in the proceeding)).

The body of the pleading must be set out in numbered paragraphs. The first paragraph must state the name and address of the pleading party. The second paragraph must state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs must set out the statement of facts relied upon in form similar to complaints in civil actions before the superior courts of this state. The concluding paragraphs must contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the pleading or briefing party must file with the commission an original and the number of legible copies of each pleading that is required in WAC 480-09-120 (1)(b). Copies must be on three-hole punched white paper, 8-1/2" x 11" in size. Notices of "confidentiality agreements" are distributed within the commission via e-mail, so only an original needs to be filed. If a pleading is received by the commission via telefacsimile, the commission will make the required number of copies unless other arrangements are made, and will charge the costs of the copies to the party as specified in WAC 480-09-120. After filing by telefacsimile, the party must file only the original of the pleading with the commission and need not file additional copies.

(5) Complaints.

(a) Defined. Formal complaints are complaints that are filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed under RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground for the complaint and the relief requested. The complaint must state facts constituting the basis of the complaint, including relevant dates,

together with citations to relevant statutes or commission rules. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statutes also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application may file a protest. Protests to applications must conform to the requirements of any special rules that apply to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant.

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) are "petitions."

(b) Petitions - contents. A petition must set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes and regulations upon which the petition is based.

(8) Motions.

Motions must be filed separately from any other pleading. The commission will not consider motions that are merely stated within the text of correspondence or in the body of another pleading. The commission may refer to the rules in the superior court of Washington as guidelines for handling motions.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425 and 480-09-810(4), any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. Answers must fully and completely disclose the nature of the defense and must admit or deny specifically, and in detail, all material allegations of the complaint or petition. A respondent must separately state and number affirmative defenses.

(b) Reply. The response to an answer is a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-420, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-420, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-420, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-420, filed 10/12/89, effective 11/12/89.]

WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, must be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address; or by the party, if the party is not represented.

Pleadings of a party who is not represented by an attorney must contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motions. Unless good cause is shown for a delay, a party opposing a pleading must file any motion directed to the pleading no later than the time the responsive pleading is due. If no responsive pleading is provided for, the

motion must be filed within ten days after service of the pleading. Filing a motion to dismiss a pleading, or seeking a similar remedy, does not extend the time for answering the pleading. Other motions must be filed within the times specified in WAC 480-09-420 or 480-09-736.

(3) Answers; time for answer; reply.

(a) An answer is not mandatory. A party answering a pleading must file the answer within twenty days after the service of the pleading to which it is directed. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A party may request permission to reply to an answer. The request must be filed within ten days after service of the answer to which it is directed. During a hearing, the presiding officer may shorten the time for requesting leave to reply or may rule from the bench on such requests. A party requesting leave to reply may attach a proposed reply to the request. Requests should address whether the answer raises new material requiring response, or other reason why a reply is necessary. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, the commission will set the time for filing the reply.

(c) The commission may alter the time allowed for any answer or reply if it believes that the public interest so requires.

(4) Liberal construction. The commission will construe pleadings liberally with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding that do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-425, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-425, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-425, filed 9/1/92, effective 10/2/92. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW, 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-425, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-425, filed 10/12/89, effective 11/12/89.]

WAC 480-09-426 Motion for summary disposition.

(1) Motion to dismiss. A party may move to dismiss an opposing party's pleading, including the documents initiating the case, if the pleading fails to state a claim on which the commission may grant relief. In ruling upon a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 12 (b)(6), 12(c), or 50, as applicable, of the civil rules for superior court.

(2) Motion for summary determination. A party may move for summary determination if the pleadings filed in the proceeding, together with any properly admissible evidentiary support, show that there is no genuine issue as to any material fact and the moving party is entitled to summary determination in its favor. In considering a motion made under this subsection, the commission will consider the stan-

dards applicable to a motion made under CR 56 of the civil rules for superior court.

(3) Presentation of a motion for summary disposition will not automatically stay any scheduled procedures. Except with permission from the commission, motions for summary disposition must be presented more than thirty days prior to the next applicable hearing session. Responses must comply with WAC 480-09-425 and 480-09-736. The commission may order a continuance of any procedure and may order oral or written response on a schedule consistent with any established hearing schedule in the proceeding.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-426, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-426, filed 1/3/96, effective 2/3/96.]

WAC 480-09-430 Intervention. (1) General intervention.

(a) Who may petition; when petitions must be filed. Any person, other than the original parties to any proceeding before the commission, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing for leave to intervene at least five days prior to the time it is initially called for hearing or pre-hearing conference, whichever occurs first; or petition orally for leave to intervene at the time of the initial hearing or pre-hearing conference, whichever occurs first. No such petition shall be filed or made after the proceeding is underway, except for good cause shown.

(b) Contents of petition. The petition to intervene must disclose the name and address of the petitioner; the name and address of petitioner's attorney, if any; petitioner's interest in the proceeding; and petitioner's position in regard to the matter in controversy. Petitions for intervention must be filed with the commission and served on the original parties to the proceeding. In utility rate cases, the original parties are the company seeking a rate change, commission staff, and public counsel.

A form petition for intervention is available on request from the secretary of the commission. The commission encourages use of the form to ensure that the petitioner provides adequate information.

(2) Special intervention—broadening the issues.

(a) Who may petition; when petitions must be filed. Any person other than the original parties to any proceeding before the commission, who desires to appear and participate in the proceeding and who desires to broaden the issues in the proceeding, may petition for special intervention in the proceeding. The petition must be in writing, filed with the commission, and served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or initial hearing session, whichever occurs first. The commission may, for good cause, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may consider an oral petition that is filed less than ten days in advance.

(b) Contents of petition. The petition must disclose the name and address of the petitioner; the name and address of the petitioner's attorney, if any; the petitioner's interest in the proceeding; and the petitioner's position in regard to the mat-

ter in controversy. The petitioner must attach to the petition an affidavit or declaration setting forth clearly and concisely the facts supporting the relief sought.

(3) Disposition of petitions to intervene. The commission may consider petitions to intervene at hearings or prehearing conferences, or, if persons entitled to respond to the petition have done so, before or after a hearing or prehearing conference. The commission will allow parties the opportunity to be heard upon the petition. If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the commission may grant the petition orally, at the hearing or prehearing conference, or in writing. Limitations may be imposed upon interventions in accordance with RCW 34.05.443(2). If the commission grants intervention, the petitioner becomes a party to the proceeding as, an "intervenor." If the commission determines, during a proceeding, that an intervenor has no substantial interest in the proceeding, or that the public interest will not be served by the intervention, the commission may dismiss the intervenor from the proceeding. The commission may dismiss an intervenor from a proceeding only after notice and a reasonable opportunity to be heard. The commission may review the decision by an administrative law judge regarding a petition to intervene or dismissal of an intervenor pursuant to WAC 480-09-760.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-430, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-430, filed 10/12/89, effective 11/12/89.]

WAC 480-09-440 Continuances—Extensions of time.

(1) General. In this section, continuances include postponements and extensions of time. With notice to all other parties, any party may request a continuance. The commission may grant a continuance if the requesting party demonstrates good cause for the continuance. The commission or the presiding officer may direct a continuance without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. In this section, "deadline" means any date that is sought to be continued.

(2) Procedure. Subject to subsection (3) of this section, requests for continuances may be made orally on the record during a hearing. Whenever possible, requests should be made by letter. The presiding officer or the commission may rule upon requests orally at a prehearing conference or hearing session, or by letter or order. Requests may be granted; granted, with modification or upon condition; or denied.

(3) Timing. Oral requests must be made at least five days before the deadline sought to be continued. Written requests must be filed with the commission, and served upon other parties so as to be received, no less than five days prior to the deadline which is sought to be continued. Responses must be filed no less than four days after service of the request, or two days prior to the deadline which is sought to be continued; whichever is earlier. Response must be made orally when a related hearing is held prior to the stated response deadline. The commission may consider requests for continuance that are made after the deadline stated in this rule if the requester demonstrates good cause that prevented a timely request.

(4) Content. A request for continuance must contain the following information:

(a) The name of the requesting party and its role in the proceeding (e.g., applicant, respondent, intervenor, etc.);

(b) Whether the requestor or any other party has previously requested a continuance in the proceeding and whether any continuance has been granted;

(c) Whether the requestor has discussed the request with other parties and whether, upon discussion, all other parties agree;

(d) The proposed new deadline, and whether the new deadline poses scheduling problems for any party;

(e) The reason for the request and for requesting the proposed new deadline;

(f) What efforts have been made to avoid a continuance and to minimize the length of the delay sought;

(g) If the continuance is to allow time to acquire a transcript, the date the transcript was ordered, when delivery is expected, and the length of the transcript or the length of the hearing;

(h) If the request relates to an application for transportation operating authority, whether the applicant is presently providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

(i) Any other factor which may bear upon whether the continuance is consistent with the public interest.

(5) Date certain—Dismissal. The commission will grant continuances to a specified date. A party seeking an indefinite continuance must demonstrate why a specific date is not feasible. Each ninety days after the initial request for an indefinite continuance is granted, the party making the request must (a) file a statement with the commission describing the status of the proceeding and why it is still infeasible to establish a specific date, or must (b) request a specific date. Failure to file the statement required in this subsection is grounds for dismissal without further notice. The commission may at any time rescind an indefinite continuance and set the proceeding for hearing.

(6) Agreed requests. An "agreed request" is a request for a continuance that all parties agree to. Agreed requests for continuances other than hearings may be made orally before the deadline, if a confirming letter is served and sent for filing on the same day. A first agreed request, timely made, will be granted unless it is inconsistent with the public interest or commission administrative needs.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-440, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-440, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-440, filed 10/12/89, effective 11/12/89.]

WAC 480-09-460 Prehearing and other conferences.

(1) General. In any proceeding the commission may, by written notice or by oral notice on the record of the hearing, request or direct all parties and persons requesting party status to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. The notice of the conference must pro-

vide reasonable notice of the time and place established for the conference and the matters to be addressed. The notice may provide that failure to attend may result in the dismissal of a party, the finding of a party in default, or the refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. In the absence of a showing of good cause, a party's failure to attend the conference will constitute the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference. A commissioner or an administrative law judge shall preside at each conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing; and
- (g) Any other matters that may aid in the disposition of the proceeding, whether by commission decision or by settlement.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered may be made orally on the record or by a conference order served upon the parties for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may call the parties together for a conference prior to the taking of testimony, or may recess the hearing for a conference, to carry out the purpose of this section. The presiding officer shall state on the record the results of a conference.

(4) Discovery conference. In addition to the mechanisms set out in WAC 480-09-480 for obtaining information, the commission may request or direct the parties to an adjudication in which the discovery rule has been invoked to attend a conference along with designated witnesses for the purpose of discussing with each other questions about the party's position or evidence and the availability of supporting information. Subject to making satisfactory arrangements for dealing with documents, attendance by telephone shall be permitted in the absence of a demonstration that telephonic attendance will substantially reduce the effectiveness of the conference. The purposes of a discovery conference are to allow witnesses and advisers to talk directly and informally, to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues

to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The conference will not be reported. Statements made by participants at a discovery conference are not admissible for evidentiary purposes. Parties shall determine a process to confirm among themselves the results of the discussions. The commission may designate an administrative law judge to preside at a discovery conference. On its own motion or on the request of a party, the commission may designate a person, who is not associated with any party, with commission advisory staff as to that proceeding, or with commission advocacy staff, to facilitate a discovery conference.

(5) Order conference. On the commission's own motion or at the request of a party, the commission may schedule an order conference at which parties may ask clarification of the meaning of a final order entered or to be entered by the commission or discuss disagreements about the commission order. The commissioners may attend the conference personally or may designate one or more staff persons to attend on their behalf. The purposes of the conference are to allow parties to ask clarification of the meaning of an order so that compliance may be enhanced, so any compliance filing may be accurately prepared and presented, and to discover technical changes that may be required to correct the application of principle to data or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. An order conference will not stay the effect of the order, the time for compliance, the time for securing post-order review, or the time for judicial review, unless the conference results in a supplemental commission order which then becomes a final order subject to review. An order conference does not constitute a formal interpretation of the order. The order itself will remain the sole expression of the commission's opinion unless supplemented through an additional order. The presiding officer will determine whether an order conference will be reported. The conference is not a forum for discussing or challenging the evidentiary or policy decisions expressed in the order. Those remedies may be pursued through a petition for reconsideration or other means under pertinent rule or statute.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-460, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-460, filed 1/3/96, effective 2/3/96; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-460, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-460, filed 10/12/89, effective 11/12/89.]

WAC 480-09-465 Alternate dispute resolution. The commission supports parties' efforts to resolve disputes without the need for litigation when doing so is lawful and consistent with the public interest. Alternate dispute resolution (ADR) includes any mechanism to resolve disagreement without hearings or litigation.

(1) The commission will not delegate to parties the power to make final decisions, but will retain the authority to approve any proposed settlement or agreement.

(2) Parties to a dispute or disagreement on a matter that is under the commission's jurisdiction may agree to negotiate

with any other parties at any time without commission oversight. The commission may direct parties to meet or consult under WAC 480-09-466(1) and may establish a collaborative process under WAC 480-09-467. The commission encourages parties to use and experiment with other forms of ADR subject to the commission's approval.

(3) The commission may direct parties to a proceeding to enter negotiations aimed at resolving issues in the proceeding.

(4) In any negotiation, the following apply unless all participants agree otherwise:

(a) The parties, as their first joint act will consider the commission's guidelines for negotiations, set out in a policy statement adopted pursuant to RCW 34.05.230, and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement shall be admissible in evidence in any formal hearing before the commission without the consent of the participants or unless necessary to address the process of the negotiations;

(c) Parties may agree that information be treated as confidential to the extent provided in a commission protective order; and

(d) Participants should advise each other, any mediator or facilitator, and the commission, if the negotiation is sanctioned by the commission, if the negotiation is without substantial prospects of resolving the issue or issues under negotiation.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-465, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-465, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-465, filed 10/12/89, effective 11/12/89.]

WAC 480-09-466 Settlement conference; settlements. The commission favors the voluntary settlement of disputes within its jurisdiction. It will approve settlements when doing so is lawful and when the result is appropriate and consistent with the public interest in light of all the information available to the commission.

(1) In support of a voluntary settlement of any dispute within the commission's jurisdiction, the commission may invite or direct the parties to confer among themselves or with a designated person. Settlement conferences shall be informal and without prejudice to the rights of the parties. Any resulting settlement or stipulation shall be stated on the record of the conference or submitted to the commission in writing and is subject to approval by the commission.

(2) Settlements. A settlement is an agreement among two or more parties to a proceeding to resolve one or more issues.

(a) The commission may exercise discretion whether to accept a proposed settlement for its review. If the commission accepts a settlement for review in an adjudication, the commission will schedule a time at a hearing session for parties to present the settlement and for the commissioners to inquire about it, unless the commission believes such a session to be unnecessary for it to exercise informed judgment upon the proposal.

(b) Partial settlement. An agreement of all parties on some issues may be presented as a partial settlement for commission review, and remaining matters may be litigated.

(c) Multiparty settlement. An agreement of some, but not all, parties on one or more issues may be offered as their position in the proceeding, with the evidentiary proof that they believe appropriate to support it, for commission review. Nonsettling parties may offer evidence and argument in opposition.

(d) Parties shall advise the commission when they have reached a partial or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement. The commission will determine the appropriate procedure.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-466, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-466, filed 1/3/96, effective 2/3/96.]

WAC 480-09-467 Collaboratives. (1) A collaborative is a negotiation sanctioned by the commission in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues assigned to or identified by the collaborative participants. Membership in the collaborative must reflect the interests reasonably expected to be substantially affected by the result of the collaborative.

(2) When beginning a collaborative, participants must address procedural guidelines for negotiations that the commission has set out in a policy statement. Communication between the commission and the collaborative participants may be made through the commission secretary. Changes in the orientation or membership of the collaborative, the issues it will address, or similar matters, may be made with commission knowledge and consent by letter from the secretary or by other means with the agreement of collaborative participants and the commission.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-467, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-467, filed 1/3/96, effective 2/3/96.]

WAC 480-09-470 Stipulation as to facts. A stipulation is an agreement among parties as to one or more operative facts in a proceeding. The commission encourages parties to enter stipulations of fact. The parties to any proceeding or investigation before the commission may agree upon the facts or any portion of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. This stipulation, if accepted by the commission, shall be binding upon the parties. The parties may present the stipulation as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-470, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-470, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-470, filed 10/12/89, effective 11/12/89.]

WAC 480-09-475 Subpoenas. General. A commissioner, an administrative law judge, or the attorney of any party to the proceeding may issue a subpoena. Witnesses are

required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses shall be paid as provided in RCW 34.05.446(7). Each subpoena must bear the name of the party requesting or issuing the subpoena and the party responsible for paying witness fees.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-475, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-475, filed 10/12/89, effective 11/12/89.]

WAC 480-09-500 Brief adjudicative proceedings. (1)

The commission may use brief adjudicative proceedings under RCW 34.05.482 when doing so does not violate the law, when protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest. Those circumstances include, but are not limited to:

- (a) Review of denials or partial denials of applications that are not protested;
- (b) Contested applications for temporary authority;
- (c) Proceedings that could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents;
- (d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties; and
- (e) Petitions for mitigation of penalty assessments, including any challenge to the validity of a penalty assessment or the existence of an underlying violation.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission may desire to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient and appropriate to satisfy the parties' and the commission's interests.

(2) Any person may apply for a brief adjudicative proceeding by filing a letter of request stating reasons why a brief adjudication should be used and a certificate of service upon all other identified or necessary parties with the secretary of the commission. If the commission grants the request, it will designate an administrative law judge or the director or deputy director of regulatory services as a presiding officer. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. The commission or the presiding officer may decide whether to consider oral comments from the parties.

(a) A party to a brief adjudicative proceeding who desires an opportunity to make an oral statement may request

oral statements in the application or in the response to the application if the commission has not provided for oral statements. If the presiding officer believes an oral statement would be beneficial in reaching a decision, the presiding officer may grant a request to make an oral statement or may ask the parties to make oral statements.

(b) The commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application must be expressed in a brief written statement, which shall be served upon all parties within ten days after the date of the brief adjudication.

(4) The brief written statement is an initial order. If no party seeks review of the initial order, it will become the final order only if it is adopted by the commission by means of a commission order.

(5) Service of the initial order must be made pursuant to WAC 480-09-120.

(6) If a party requests review of the initial order, in writing or orally, within twenty-one days after service of the initial order, the commission will review it. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) The commission encourages written requests for review so parties have the greatest opportunity to state reasons for their views. A written request for review of an initial order should contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order must be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within twenty days after the deadline for requesting review or of the request for review, whichever is later. The order must include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-500, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-500, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-500, filed 9/1/92, effective 10/2/92. Statutory Authority: RCW 80.01.040 and 34.05.220, 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-500, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-500, filed 10/12/89, effective 11/12/89.]

WAC 480-09-510 Emergency adjudicative proceedings. (1) The commission may use emergency adjudicative proceedings pursuant to RCW 34.05.479 to suspend or cancel

authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in any situation involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations include, but are not limited to:

(a) Failure to possess insurance;

(b) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare; and

(c) Violations of law, rule, or order related to public safety, when the violation involves an immediate danger to the public health, safety, or welfare.

(2) The commission shall hear the matter and enter an order. If a majority of the commissioners is not available, a commissioner shall hear the matter. If no commissioner is available, a commission administrative law judge shall hear the matter.

(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order must include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order is effective when entered. The commission must serve the order pursuant to WAC 480-09-120.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-510, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-510, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-510, filed 10/12/89, effective 11/12/89.]

WAC 480-09-600 Conversion of proceedings. (1)

Upon application by any person or upon its own motion, the commission shall consider whether to convert a proceeding pursuant to RCW 34.05.070.

(2) The start of the new proceeding is the time the original proceeding began, provided that all statutory and regulatory requirements for the new proceeding are met.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-600, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-600, filed 10/12/89, effective 11/12/89.]

WAC 480-09-610 Consolidation of proceedings. The commission may in its discretion, consolidate two or more proceedings in which the facts or principles of law are related.

(1) Parties must address a motion for consolidation or for the severance of consolidated matters to the commission. The commission may rule on the motion or may refer the motion to an administrative law judge for resolution.

(2) The commission may on its own motion consolidate matters for hearing, or sever consolidated matters, when it believes that the action is appropriate.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-610, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-610, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-610, filed 10/12/89, effective 11/12/89.]

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WAC 480-09-620 Joint hearings. (1) Federal. In any proceeding in which the commission participates jointly with a federal agency, the rules of practice and procedure of the federal agency shall govern.

(2) State. In any proceeding in which the commission participates jointly with the administrative body of another state or states, the rules of the state in which the hearing is held shall govern the proceeding, unless otherwise agreed upon by the participating agencies.

(3) Who may appear. Any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-620, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-620, filed 10/12/89, effective 11/12/89.]

WAC 480-09-700 Hearings—Notice and failure to appear. (1) Notice.

(a) Initial hearing notice. The time and place of the first hearing session or prehearing conference in any adjudication will be set by the commission in a notice served upon all parties at least twenty days in advance of the hearing or conference. The commission may establish a shorter notice if it believes that good cause exists. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. When a hearing is not concluded in one day, the time and place of continued hearing sessions may be set:

(i) Upon the record without further written notice to the parties;

(ii) By letter or formal notice of hearing from the secretary of the commission; or

(iii) By letter from the presiding officer.

The commission need not give twenty days' prior notice of continued hearing sessions.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear - default - dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the commission may dismiss the party or find the party in default. The presiding officer may recess the hearing for a brief period to enable the party to attend the hearing. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default.

(b) When the commission finds a party in default, it will implement the default by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) When the commission dismisses a party from a proceeding it will do so by an order of dismissal or by a dismissal provision in the order disposing of the issues in the proceeding. A person who is dismissed may contest a dismissal order by seeking interlocutory review. If interlocutory review is denied, or if the dismissal is a provision of an initial or final order, the person who is dismissed may petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control of operating authority, or a protestant to such an application must appear at any scheduled adjudicative hearing session unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-700, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 92-18-081 (Order R-376, Docket No. 920379), § 480-09-700, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-700, filed 10/12/89, effective 11/12/89.]

WAC 480-09-705 Notice to limited-English-speaking parties. When the commission has knowledge that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuances, and dismissals, must either be in the primary language of the party or must include a notice in the primary language of the party that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-705, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-705, filed 10/12/89, effective 11/12/89.]

WAC 480-09-710 Appearance and practice before commission. (1) Minimum qualifications. No person may appear before the commission as a representative of a party to an adjudicative proceeding without meeting one of the following qualifications:

(a) Membership in good standing in the Washington State Bar Association;

(b) Admission to practice, in good standing before the highest court of any other state;

(c) Upon permission of the presiding officer, an officer or employee of a party or person seeking party status;

(d) Legal interns admitted to limited practice under Rule 9 of the Washington state Supreme Court's Admission to Practice Rules. No legal intern may appear without the presence of a supervising lawyer unless the presiding officer approves the intern's appearance in advance.

The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) Notices of appearance and withdrawal. Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding must immediately notify the commission and all parties to the proceeding.

(3) Unethical conduct. Persons appearing in proceedings before the commission in a representative capacity must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to those standards, the commission may expel the person from the proceeding and decline to permit the person to appear before it in a representative capacity in any future proceeding.

(4) Former employees. Former employees of the commission are subject to the provisions of chapter 42.18 RCW.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-710, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-710, filed 10/12/89, effective 11/12/89.]

WAC 480-09-720 Appearances—Party status. (1) General. All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter immediately before the first hearing session in which they appear. The presiding officer conducting the hearing or prehearing conference will require appearances to be stated orally at the initial hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present.

(2) The commission will not grant party status to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, without a showing of good cause for failing to timely appear.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-720, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-720, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-720, filed 10/12/89, effective 11/12/89.]

WAC 480-09-730 Conduct at hearings. (1) No smoking. Smoking is prohibited at hearings of the commission.

(2) Testimony under oath. The presiding officer shall administer an oath or affirmation to each witness who is heard in an adjudicative proceeding before the witness takes the stand. The oath or affirmation shall be administered as follows: The prospective witness shall stand and raise his or her hand, while the presiding officer asks the following, or its equivalent: "Do you solemnly swear or affirm that the evidence you shall give in the matter now pending before the commission shall be the truth, the whole truth and nothing but the truth, so help you God?"

(3) When members of the public testify about their sentiments on a proposal that is the subject of an agency adjudication, the commission may provide a form of oath for witnesses on sign-up sheets in lieu of an oral oath.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-730, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-730, filed 10/12/89, effective 11/12/89.]

WAC 480-09-735 Order of procedure. (1) General. Evidence will ordinarily be received in the following order:

- (a) The party having the burden of proof;
- (b) Commission staff, if it supports the party having the burden of proof;
- (c) Parties supporting the party having the burden of proof;
- (d) Commission staff, if it opposes the party having the burden of proof;
- (e) Other parties opposing the party having the burden of proof;
- (f) The commission staff, if it does not oppose the party having the burden of proof;
- (g) Rebuttal by the party having the burden of proof;
- (h) Response by other parties to any new material received on rebuttal;
- (i) Response by the party having burden of proof to any new material received from others.

(2) Modification of procedure. The presiding officer may direct a modified order of proceeding. When hearing several proceedings on a consolidated record, or when parties do not oppose or support all of another party's positions, the presiding officer will designate the order of presentations, considering the parties' preferences.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-735, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-735, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-735, filed 10/12/89, effective 11/12/89.]

WAC 480-09-736 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer may when appropriate suspend or modify the guidelines or use measures not specified in this rule.

(1) Starting times will be strictly observed. The proceeding may go forward in the absence of counsel, parties, or witnesses who are late.

(2) Motions related to evidence or to the procedural course of the hearing, but not involving dismissal of a party or a part of the proceeding, will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. The presiding officer must be notified no later than the start of the hearing session of any motion that counsel anticipates may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer shall set a time prior to the start of the presentation of evidence for marking, distribution, and argument regarding exhibits to be offered during the day and for arguing other matters.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) Counsel who request off-the-record discussions must ask leave to go off the record and state the purpose for the request.

(5) Extended colloquies regarding procedural issues should be conducted off the record. Each attorney will have the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) Predistribution of evidence. The commission may require that parties distribute their proposed evidence to other parties before the start of the hearing.

(a) Number of copies. When predistribution of evidence is required, each party shall file twenty copies of its evidence with the commission unless the commission specifies a different number. Because a smaller number may satisfy commission needs in some proceedings, and because electronic copies may substitute for paper copies, parties should inquire at a prehearing conference or directly of the presiding officer about the number of required copies. Because the required number of filed copies includes copies for the commission staff, the accounting adviser, and the administrative law judge, parties need not provide additional copies for those persons.

(b) Changes or corrections. Each party must advise other parties of substantive corrections to evidence that has been prefiled as soon as the need for change is discovered. Parties should prepare an errata sheet or a revised exhibit for submission at the hearing to reflect changes from prefiled testimony. Counsel should not ask a witness on the stand to correct obvious typographical errors in the prefiled testimony or to make more than three substantive changes—if more than three corrections are required, the party must submit an errata sheet or revised documents.

(c) Distribution at hearing. When a party offers new exhibits, revised exhibits, or errata sheets at a hearing, the party must provide sufficient copies for all parties and for the commission's distribution requirements. Corrections and revisions should be made upon or attached to all documents distributed at the hearing before the copies are distributed. Subsection (10) of this section governs other aspects of revising and offering predistributed testimony and exhibits. Each party should bring two complete sets of current exhibits to the hearing, one for the court reporter and one for the official record.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex. . . . (JQW-T) Ex. . . . (JQW-2)

Ex. . . . (JQW-1) Ex. . . . (JQW-3)

Counsel unfamiliar with this method of identification should ask the presiding officer for further guidance. The presiding officer will assign exhibit numbers for the case at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This

foundation question should request, and the witness' response should include only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects.

(9) All prepared testimony, exhibits, and pleadings must be 8-1/2 by 11 inches in size, reduced to that size, or folded to that size if reduction would be illegible, and punched for insertion into three-ring binders. Line numbers must be set out on all prepared testimony to facilitate transcript or exhibit references. Large documents may be used at the hearing for illustrative purposes so long as a reduction is provided for inclusion in the record.

(10) Revisions to exhibits. Parties submitting revisions to predistributed or previously admitted testimony or exhibits must prominently label them "REVISED", stating the date of the revision. The revised portions must be highlighted, in legislative style or other manner clearly indicating the change for comparison with the original submissions. This practice should be followed even with minor changes that involve only one page of an exhibit. Counsel should identify partial revisions by page and date, or identify the revision of the exhibit, at the time an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate. Subsection (6) of this section governs other aspects of revising and presenting predistributed exhibits.

(11) The presiding officer will limit cross-examination to two rounds unless counsel demonstrates that good cause exists for asking additional questions. Counsel should not ask witnesses to perform calculations or extract detailed data while the witness is on the stand. Counsel should provide such questions to the witness in advance, should ask the witness to provide the answer to the record later in the hearing session, or should provide an answer and ask the witness to accept it "subject to check." When a witness accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be considered accurate unless the witness disputes it in writing, stating reasons. Counsel for the party sponsoring the witness must provide the witness' statement and serve a copy on each party prior to the closing of the record or within ten days after distribution of the transcript whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) Parties must address all case-related correspondence to the secretary of the commission, under commission rules. The parties are cautioned that correspondence that is addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes.

(14) Parties must file petitions or motions seeking the dismissal of any party or any portion of a proceeding, or any other pleading that in the moving party's judgment requires the submission of a written motion, petition, brief or statement of authorities, and serve them on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent; the commission may approve later filing upon a showing of good cause. A party answering such a pleading shall file the answer and serve it on other parties at least three days prior to

the hearing. The commission may allow oral argument in the commission's discretion. Parties must serve pleadings so as to effect actual receipt within the required time.

(15) When a party requests that the commission take some action prior to the next hearing session, the petitioner or movant shall serve all other parties. Responses are due no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer shall determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. Briefs must comply with WAC 480-09-770.

(17) Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when a party requests it.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) When a witness presenting testimony as a member of the public presents a document in conjunction with his testimony, the commission may receive the document as an illustrative exhibit. The commission may receive as illustrative of the opinions of correspondents any letters that have been received by the secretary of the commission and by public counsel from members of the public regarding a proceeding. Documents presented by a public witness that are exceptional in their detail or their probative nature may be received into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony received in evidence are part of the record and subject to consideration by the commission in its decision.

(20) The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Instead, the presiding officer may ask generally whether there are objections, and persons having objections shall state them. Failure to respond or object means that the party does not object, and shall constitute a waiver of the right to object.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-736, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-736, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 92-01-135 (Order R-362, Docket No. A-911231), § 480-09-736, filed 12/19/91, effective 1/19/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-736, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-736, filed 10/12/89, effective 11/12/89.]

WAC 480-09-740 Evidence. The presiding officer may receive evidence as provided by RCW 34.05.452. WAC 480-09-745 and 480-09-750 provide guidelines for receipt and handling of evidence in commission proceedings.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-740, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-740, filed 10/12/89, effective 11/12/89.]

WAC 480-09-745 Exhibits and documentary evidence. (1) Designation of part of document as evidence. A

party who offers evidence that consists of a portion of a document, must designate the portion that is offered. If irrelevant matter would unnecessarily encumber the record, the document will not be received in evidence, but the relevant or material matter may be read into the record, or the presiding officer may receive a copy of the excerpt as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the document, and to offer other portions in evidence.

(2) Official records. An official document, prepared and issued by any governmental authority may be evidenced by a certified copy. When official records, otherwise admissible, are contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, they may be introduced by reference, provided, that the party offering the document clearly identifies the record. The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) The presiding officer may receive documents on file with the commission by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of a document is offered in evidence, the part offered must be clearly designated. The presiding officer may require the party offering the evidence to provide a copy to the record and to each party.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection and the commission may not receive them into evidence without a waiver of the protections of the law.

(4) Records in other proceedings. A portion of the record of any other commission proceeding, in the discretion of the presiding officer, may be received as an exhibit in the form of a copy; by citation to the transcript or exhibit number; or by incorporation into the transcript of the current proceeding.

(5) Objections. Any evidence offered shall be subject to appropriate and timely objection.

(6) Copies of exhibits. A party offering documentary exhibits must furnish copies to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. The presiding officer may require the distribution of exhibits, including exhibits that may be introduced on cross-examination, before the hearing. The parties should exchange copies of exhibits before the hearing starts.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-745, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-745, filed 10/12/89, effective 11/12/89.]

WAC 480-09-750 Rules of evidence; official notice; resolutions. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible that, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing

general civil proceedings, in matters not involving trial by jury, in the courts of the state of Washington.

Irrelevant, duplicative, and inadmissible evidence burdens the commission and all parties. To minimize that burden, the presiding officer shall to the extent possible exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not a party objects to the evidence. Parties objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered. The presiding officer may permit the party offering rejected evidence to describe briefly for the record its nature and purpose as an offer of proof.

(2) Official notice.

(a) The commission may take official notice of:

(i) Any judicially cognizable fact. Examples of such facts include, but are not limited to:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion upon notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its inspection.

(c) Parties shall be notified before or during the hearing, or by reference in preliminary reports or otherwise, of material officially noticed and its sources, and the presiding officer must afford parties an opportunity to contest facts and material so noticed. The presiding officer may require the party proposing official notice to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. The presiding officer may receive in evidence authenticated resolutions of the governing bodies of municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations. Any recital of facts contained in a resolution may not be considered as proof of those facts.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-750, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-750, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-750, filed 10/12/89, effective 11/12/89.]

WAC 480-09-751 Witness panels. The commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. The presiding officer shall also allow cross-examination of each witness upon matters within the witness's direct evidence.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-751, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-751, filed 1/3/96, effective 2/3/96.]

WAC 480-09-760 Interlocutory orders. The commission has discretion to accept or decline review of interim or interlocutory orders in an adjudication.

(1) The commission may review such orders when it finds that:

(a) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm;

(b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

(c) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

(2) Any aggrieved party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed with the commission and served on other parties within ten days after entry of the order or issuance of the ruling for which review is requested, stating clearly why the ruling is in error and citing reasons in support of the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-760, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-101 (Order R-399, Docket No. A-930792), § 480-09-760, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-760, filed 10/12/89, effective 11/12/89.]

WAC 480-09-770 Briefs. The commission may require the parties to an adjudication to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions that the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies must be clearly legible. Briefs must not exceed sixty pages without permission from the presiding officer for good cause shown. The presiding officer will consider the number and complexity of the issues in varying the allowed length of briefs. Briefs must be presented in 12 point Times New Roman or Arial typeface or equivalent, with margins at least one inch from each edge of the page. Footnotes must be presented in the same font, no smaller than 10 point type. Unless the commission specifies a different number of copies, parties offering briefs must file an original and nineteen copies with the secretary of the commission and must serve one copy on each party not later than the date set for filing. Parties must furnish proof of service to the commission as provided in WAC 480-09-120(2).

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-770, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-770, filed 12/1/93, effective 1/1/94; 89-21-036 (Order

R-310, Docket No. U-89-2966-R), § 480-09-770, filed 10/12/89, effective 11/12/89.]

WAC 480-09-780 Entry of initial and final orders—Administrative review. (1) General. Whenever the presiding officer enters an order under RCW 34.05.461, he or she must serve a copy of the order upon each party of record and upon the party's attorney, or other authorized representative pursuant to WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party to an adjudicative proceeding may file a petition for administrative review within twenty days after entry of the initial order.

(b) Unless the commission authorizes a different number a petitioner for administrative review must file an original and nineteen copies of the petition with the secretary of the commission and must serve one copy upon each other party to the adjudication. The petitioner must provide proof of service in accordance with WAC 480-09-120(2).

(3) Contents - length. Petitions must clearly identify the nature of each challenge to the initial order, the evidence, law, rule or other authority that the petitioner relied upon to support the challenge, and the remedy that the petitioner seeks. Petitions for review of initial orders must be specific. The petitioner must separately state and number every contention. A petition that challenges a finding of fact must provide citations to the pertinent page or part of the record or must otherwise state the evidence relied upon to support the petition, and should include a recommended finding of fact. A petition that challenges conclusions of law must cite the appropriate statute, rule, or case involved and should include a recommended conclusion of law. A petition that challenges the summary or discussion portion of an initial order must include a statement showing the legal or factual justification for the challenge, together with a statement of how the asserted defect affects the findings of fact, the conclusions of law, and the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) Any party to the adjudication may answer a petition for administrative review.

(b) Unless the commission authorizes filing a different number an answering party must file with the secretary of the commission, the original plus nineteen copies and must serve a copy on each other party to the proceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(5) Oral argument. The commission may, in its discretion, hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is considered denied or is otherwise disposed of.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-780, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-780, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-780, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-780, filed 10/12/89, effective 11/12/89.]

WAC 480-09-800 Stay. Any party to an adjudication may petition for stay of the effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own motion.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-800, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-800, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-800, filed 10/12/89, effective 11/12/89.]

WAC 480-09-810 Reconsideration. (1) General. Any party to an adjudicative proceeding may petition for reconsideration of the final order within ten days after the order is served.

(2) Number of copies - filing - service. Unless the commission has authorized filing a different number of copies, the person filing a petition for reconsideration must file an original and nineteen copies with the commission and must serve a copy of the petition upon each party of record.

(3) Contents. The petition must clearly identify each portion of the challenged order that the petitioner contends is erroneous or incomplete, must cite those portions of the record and each law or rule of the commission that the petitioner relies upon to support the petition, and must present brief argument in support of the petition.

(4) Answers. No party may file an answer unless requested by the commission. If the commission after examining the petition believes that reconsideration involving a possible change in a significant term of the order may be appropriate, it shall request answers from the other affected parties. The commission may grant without seeking answers a petition for reconsideration that asks the correction of obvious or ministerial errors.

(5) Oral argument. Oral argument will not be heard on petitions for reconsideration except on request of the commission.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Enter an order resolving the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

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(7) Action. If the commission grants the petition, the commission may modify its prior order or take such other action as it believes to be proper.

(8) Stay. Filing a petition for reconsideration does not stay the effectiveness of an order.

(9) Reconsideration of reconsideration. No party may petition for reconsideration of an order on reconsideration.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-810, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-810, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-810, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-810, filed 10/12/89, effective 11/12/89.]

WAC 480-09-815 Amendment, rescission or correction of order. (1) Amendment or rescission. The commission may on its own motion amend or rescind any order which it has entered under RCW 80.04.210 or 81.04.210, after notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

(2) Correction. The commission on its own motion or on the request of any party may correct obvious or ministerial errors by letter from the secretary or by subsequent order. The time for any available posthearing review shall begin with the service of the correction, as to the matter corrected.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-815, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-815, filed 10/12/89, effective 11/12/89.]

WAC 480-09-820 Rehearing or reopening. (1) Rehearing. Any person affected by a final order of the commission may file a petition for rehearing under RCW 80.04.200 or 81.04.200.

(2) Reopening. Any party to an adjudication may file a petition for reopening with the commission at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, the commission may grant reopening to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, the commission may grant a petition to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable with due diligence at the time of the hearing or for any other good and sufficient cause.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-820, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-820, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-820, filed 10/12/89, effective 11/12/89.]

WAC 480-09-830 Repealed. See Disposition Table at beginning of this chapter.

Chapter 480-12 WAC
MOTOR CARRIERS

WAC

480-12-370 Repealed.
480-12-375 Bond required—Broker—Forwarder.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-12-370 Insurance, carrier shall not misrepresent. [Order R-5, § 480-12-370, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-026 (Order R-454, Docket No. TV-971477), filed 3/30/99, effective 4/30/99. Statutory Authority: 81.04.160 and 80.01.040.

WAC 480-12-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-12-375 Bond required—Broker—Forwarder. (1) Each intrastate broker or forwarder and each interstate broker or forwarder shall file with the commission, and keep in effect, a surety bond, or deposit satisfactory security in the amount of ten thousand dollars conditioned upon such broker or forwarder making compensation to shippers, consignees and carriers for all moneys belonging to them and coming into the broker's or forwarder's possession in connection with such transportation service.

(2) It is unlawful for an interstate broker or forwarder to conduct business as such in this state without first securing appropriate authority from the Interstate Commerce Commission, if such authority is required, and registering with the Washington utilities and transportation commission. The commission shall grant such registration without hearing upon filing a uniform application for registration of operating authority issued by the ICC and payment of a one-time registration fee of twenty-five dollars.

(3) Failure to file such bond or deposit such security is sufficient cause for refusal of the commission to grant the application for a permit or registration. Failure to maintain the bond or the deposit of security is sufficient cause for cancellation of a permit or registration.

(4) For the purposes of this section, "intrastate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in intrastate commerce. "Interstate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in interstate commerce when such person, its employees, or agents are physically present in the state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (rep.) (Order R-454, Docket No. TV-971477) and 99-08-026 (Order R-454, Docket No. TV-971477), § 480-12-375, filed 12/15/98 and 3/30/99, effective 1/15/99 and 4/30/99. Statutory Authority: RCW 80.01.040 and 1991 c 146. 92-09-014 (Order R-372, Docket No. TV-911218), § 480-12-375, filed 4/2/92, effective 5/3/92; Order R-5, § 480-12-375, filed 6/6/69, effective 10/9/69.]

Chapter 480-14 WAC
**MOTOR CARRIERS, EXCLUDING HOUSEHOLD
GOODS CARRIERS AND COMMON CARRIER
BROKERS**

WAC

480-14-060 Adoption by reference defined.

WAC 480-14-060 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on April 1, 1999.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters office of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-14-060, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-060, filed 11/22/95, effective 12/23/95.]

Chapter 480-15 WAC
HOUSEHOLD GOODS CARRIERS

WAC

480-15-040 Adoption by reference.

WAC 480-15-040 Adoption by reference. We have adopted by reference the following publications:

(1) "North American Uniform Out-of-Service Criteria" published by The Commercial Vehicle Safety Alliance, in effect on April 1, 1999.

(2) The sections of "Title 49 Code of Federal Regulations," cited as 49 CFR, listed below, including all regulations and appendices and amendments to those sections in effect on October 1, 1998:

(a) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(b) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(c) 49 CFR Part 390: Safety Regulations, General;

(d) 49 CFR Part 391: Qualification of Drivers;

(e) 49 CFR Part 392: Driving of Motor Vehicles;

(f) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operations;

(g) 49 CFR Part 395: Hours of Service of Drivers;

(h) 49 CFR Part 396: Inspection, Repair, and Maintenance; and

(i) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-15-040, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW

81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-040, filed 12/15/98, effective 1/15/99.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

480-30-015

Adoption by reference defined.

WAC 480-30-015 Adoption by reference defined.

Where referred to in this chapter, the following definitions shall apply:

(1) "*North American Uniform Out-of-Service Criteria*" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on April 1, 1999.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-30-015, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040. 94-14-014 (Order R-420, Docket No. T-940457), § 480-30-015, filed 6/23/94, effective 7/24/94; 93-15-035 (Order R-392, Docket No. T-921165), § 480-30-015, filed 7/13/93, effective 8/13/93; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-015, filed 12/31/91, effective 1/31/92.]

Chapter 480-31 WAC

PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

WAC

480-31-100

Equipment—Safety.

480-31-120

Equipment—Inspection—Ordered for repairs.

480-31-130

Operation of motor vehicles.

480-31-140

Safety inspections.

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the following:

The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392 (Driving of Motor Vehicles), part 393 (Parts and Accessories Necessary for Safe Operation), part 396 (Inspection, Repair and Maintenance), and part 397 (Transportation of Hazardous Materials; Driving and Parking rules).

The commission adopts by reference the provisions of federal rules in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[2000 WAC Supp—page 2192]

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-100, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-100, filed 3/27/97, effective 4/27/97.]

WAC 480-31-120 Equipment—Inspection—

Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance).

(3) All vehicle parts and accessories must be in safe and proper working condition at all times.

(4) Equipment standards. The purpose of this subsection is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category. The criteria for out-of-service condition are those defined in the current North American Uniform Out-Of-Service Criteria.

Out-of-service condition. When any motor vehicle(s) is in out-of-service condition, no provider will require nor will any person operate such motor vehicle until all required repairs have been satisfactorily completed. The commission adopts by reference the "*North American Uniform Out-of-Service Criteria*" published by the Commercial Vehicle Safety Alliance in effect on April 1, 1999. These documents may be viewed at the Washington utilities and transportation commission branch of the Washington state library.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-120, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-120, filed 3/27/97, effective 4/27/97.]

WAC 480-31-130 Operation of motor vehicles. (1)

All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers), are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Depart-

ment of Transportation in Title 49, Code of Federal Regulations, part 39 (Hours of Service of Drivers), are adopted and prescribed by the commission.

(4) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(5) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

(6) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

(7) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(8) The commission adopts by reference the provisions of federal rules cited in this section in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-130, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-130, filed 3/27/97, effective 4/27/97.]

WAC 480-31-140 Safety inspections. All providers must keep on file in their main office, subject to inspection by an authorized representative of the commission, or subject to provision to the commission upon request:

(1) Description of each vehicle used, including make, serial number, and year. If the provider does not own the vehicle, the records must show the name of the person providing the vehicle;

(2) Driver's hours of service (duty status);

(3) Each driver's license number;

(4) Records of complaints, as required by WAC 480-31-090;

(5) Records of repair, inspection and maintenance, to include their date and type, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396;

(6) The commission adopts by reference the provisions of federal rules cited in this section in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters

office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-140, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-140, filed 3/27/97, effective 4/27/97.]

Chapter 480-40 WAC

PASSENGER CHARTER CARRIERS

WAC

480-40-015

Adoption by reference defined.

WAC 480-40-015 Adoption by reference defined.

Where referred to in this chapter, the following definitions shall apply:

(1) "*North American Uniform Out-of-Service Criteria*" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on April 1, 1999.

(2) "Rules and regulations adopted by the United States Department of Transportation in Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-40-015, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 94-14-014 (Order R-420, Docket No. T-940457), § 480-40-015, filed 6/23/94, effective 7/24/94; 93-15-035 (Order R-392, Docket No. T-921165), § 480-40-015, filed 7/13/93, effective 8/13/93; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-015, filed 12/31/91, effective 1/31/92.]

Chapter 480-62 WAC

RAILROAD COMPANIES—OPERATIONS

WAC

480-62-090

Hazardous materials regulations.

WAC 480-62-090 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on October 1, 1998, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state. A copy of the fed-

eral rules referenced in this chapter is available for inspection at the commission branch of the Washington state library, located in conjunction with the commission's headquarters office. A copy may be obtained from the secretary of the commission, upon payment of any required fee, or from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every railroad company operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-62-090, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-090, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 80.01.040 and 81.44.065, 82-05-020 (Order R-182, Cause No. TR-1579), § 480-62-090, filed 2/10/82. Statutory Authority: RCW 80.011.040 [80.01.040] and 81.44.065, 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-055 Adoption by reference defined.

WAC 480-70-055 Adoption by reference defined.

Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on April 1, 1999.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-70-055, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 94-14-011 (Order R-419, Docket No. TG-940456), § 480-70-055, filed 6/23/94, effective 7/24/94; 93-15-035 (Order R-392, Docket No. T-921165), § 480-70-055, filed 7/13/93, effective 8/13/93; 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-055, filed 12/31/91, effective 1/31/92.]

Chapter 480-75 WAC

PETROLEUM PIPELINE COMPANIES

WAC

480-75-005 Compliance with federal standards.

[2000 WAC Supp—page 2194]

WAC 480-75-005 Compliance with federal standards. Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on September 7, 1999. The provision in this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-75-005, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 99-02-036 (Order R-456, Docket No. TO-980905), § 480-75-005, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 80.01.040 and 80.04.010, 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-005, filed 3/14/97, effective 4/14/97.]

Chapter 480-92 WAC

LOW-LEVEL RADIOACTIVE WASTE

WAC

480-92-011	Application of this chapter.
480-92-016	Waiver.
480-92-021	Definitions.
480-92-031	Customer records.
480-92-041	Uniform system of accounts.
480-92-050	Annual report.
480-92-060	Minimum filing requirements.
480-92-070	Annual rate adjustment.
480-92-080	Contracts.
480-92-090	Site operator responsibility for complaints and disputes.
480-92-100	Tariffs.
480-92-110	Penalty assessments.

WAC 480-92-011 Application of this chapter. The rules in this chapter apply to any low-level radioactive waste site operating company, as defined in RCW 81.04.010, operating within the state of Washington, that is not exempt from commission regulation under RCW 81.108.100 and 81.108.110.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-011, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-011, filed 1/10/92, effective 2/10/92.]

WAC 480-92-016 Waiver. (1) The commission may grant a waiver of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying

regulation, and sound public policy, and is not inconsistent with applicable statutes.

(2) To request a rule waiver, a site operator must file a written request with the commission identifying the rule for which a waiver is sought, and giving a full explanation of the reason for requesting the waiver.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-016, filed 2/5/99, effective 3/8/99.]

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated by reference in this section. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Commission" means the Washington utilities and transportation commission.

"Effective rate" means the highest permissible rate, for the disposal of low-level radioactive waste, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume among all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

"Generator" means a person, partnership, association, corporation, or any other entity that, as a part of its activities, produces low-level radioactive waste.

"Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

"Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations nor naturally occurring or accelerator produced radioactive material.

"Maximum disposal rate" the maximum disposal is the rate a site operator may charge generators as provided in RCW 81.108.050.

"Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"Site operator" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any

court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-021, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-021, filed 1/10/92, effective 2/10/92.]

WAC 480-92-031 Customer records. A site operator must maintain, at a minimum, the following records, by generator, at the disposal site for at least three years:

- Customer name and address;
- Type of service provided;
- Current rates;
- Billed amount;
- Amount collected; and
- Balance due.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-031, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-031, filed 1/10/92, effective 2/10/92.]

WAC 480-92-041 Uniform system of accounts. Pursuant to RCW 81.108.030(4) commission staff may require a site operator to use a uniform system of accounts to ensure that the commission can effectively audit the company's operations.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-041, filed 2/5/99, effective 3/8/99.]

WAC 480-92-050 Annual report. The commission will distribute an annual report form to site operators each year. The site operator must complete the form, file it with the commission, and pay regulatory fees for the preceding calendar year by May 1.

A site operator may request in writing prior to May 1, an extension of time to file its annual report, stating the reasons for the request and the extension date. The commission will not grant extensions for payment of regulatory fees.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-050, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-050, filed 1/10/92, effective 2/10/92.]

WAC 480-92-060 Minimum filing requirements. (1) When a site operator files for a general rate increase, it must follow the minimum filing requirements set forth in WAC 480-09-300 through 480-09-330.

(2) A site operator filing a request with the commission for a general rate increase must concurrently notify all generators who have disposed of low-level radioactive waste in the three years prior to the request for the proposed rate increases or service changes. The notice must include at minimum; a clear, brief explanation the generators can easily understand of the proposed rates, conditions and changes; the requested effective date; the commission's address, with a statement

that generators may obtain more detailed information by writing to the commission; and a phone number for generators to call a company representative if they have questions.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-060, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-060, filed 1/10/92, effective 2/10/92.]

WAC 480-92-070 Annual rate adjustment. (1) A site operator may file each year for rate adjustments, as set forth in RCW 81.108.050(3), to become effective January 1 of the following year. Rate adjustments will be effective thirty days after filing with the commission, unless suspended. Upon proper request the commission may allow filings to become effective in less than thirty days.

(2) A site operator may also file for rate adjustments at any time for reasons set forth in RCW 81.108.050(4).

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-070, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-070, filed 1/10/92, effective 2/10/92.]

WAC 480-92-080 Contracts. (1) Contract rates - Generally. A site operator may contract with any person to provide a disposal rate lower than the current tariff rate. Once the commission approves a contract, the site operator may not collect a disposal fee greater than the lowest contract rate plus an administrative fee.

(2) Contract requirements. A contract between a site operator and a generator must be limited to a definite time period.

A contract between a site operator and a generator must contain a provision that the contract is entered into subject to the power and authority of the commission to set just, fair, reasonable and sufficient rates for the disposal of low-level radioactive waste. The contract must provide for recovery of all costs associated with providing the service.

(3) Approval by the commission.

(a) The commission may approve the terms and conditions of a contract, and the rate or rates to be applied during the time period, if it finds the rates to be fair, just, reasonable and sufficient. The commission may not include revenues and expenses generated and incurred under contract for subsequent ratemaking purposes.

(b) Each contract must be filed with the commission at least thirty days before the proposed effective date of the contract. Contracts will become effective on the thirty-first day after filing with the commission unless:

(i) The site operator request, and the commission allows, for the contract to become effective in less than thirty days;

(ii) The commission rejects the contract; or

(iii) The commission suspends the contract and sets the matter for hearing.

(4) Information to support approval of a contract. A site operator must submit the following information with each contract filed for commission approval:

(a) A statement explaining the use of a contract rather than a filed tariff for the specific service involved;

(b) All documents and calculations showing how the site operator derived the proposed rate;

(c) All documents showing that the contract does not discriminate, or result in discrimination, among customers receiving like and contemporaneous service under substantially similar circumstances; and

(d) Any other information requested by the commission.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-080, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-080, filed 1/10/92, effective 2/10/92.]

WAC 480-92-090 Site operator responsibility for complaints and disputes. (1) If a site operator receives complaints or disputes regarding its operations, it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Tell the complainant the decision may be appealed to a higher level representative of the company, if any;

(f) Tell the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability to review the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Complainants may file with the commission:

(a) An informal complaint against a site operator as set forth in WAC 480-09-150; and/or

(b) A formal complaint against a site operator as set forth in RCW 81.108.080 and chapter 480-09 WAC.

(3) When commission staff refers an informal complaint to a site operator, the operator must:

(a) Investigate and respond to commission staff within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested, and warranted; and

(b) Report regularly to commission staff about progress toward the solution and the final result.

(4) A site operator must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken; and

(d) The final result.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-090, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-090, filed 1/10/92, effective 2/10/92.]

WAC 480-92-100 Tariffs. (1) A site operator must file with the commission a tariff showing all rates for the disposal of low-level radioactive waste. The site operator must post the tariff at their office at the disposal site.

(2) The tariff must include the following:

(a) A title page with the company name, date of issue, effective date, and name and title of the officer.

(b) Pages containing all rates and the rules for assessing rates.

(c) A page listing the abbreviations and symbols used in the tariff, and an explanation of each abbreviation and symbol.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-100, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-100, filed 1/10/92, effective 2/10/92.]

WAC 480-92-110 Penalty assessments. Pursuant to RCW 81.108.030 (4)(d) and chapter 81.04 RCW, the commission may assess penalties of up to one thousand dollars for each violation per occurrence if a site operator violates any provisions of Title 81 RCW, commission rule, or decision.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-110, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272, 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-110, filed 1/10/92, effective 2/10/92.]

**Chapter 480-93 WAC
GAS COMPANIES—SAFETY**

WAC
480-93-010

Compliance with federal standards.

WAC 480-93-010 Compliance with federal standards. Gas companies' gathering, storage, distribution, and transmission facilities must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on September 7, 1999. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160], 99-20-013 (Order R-465, Docket No. A-980247), § 480-93-010, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 99-02-037 (Order 457, Docket No. UG-980962), § 480-93-010, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 80.01.040 and 80.28.210, 96-13-022 (Order R-437, Docket No. UG-951453), § 480-93-010, filed 6/10/96, effective 7/11/96; 95-13-082 (Order R-427, Docket No. UG-950061), § 480-93-010, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 80.01.040, 93-18-097 (Order R-396, Docket No. UG-930243), § 480-93-010, filed 9/1/93, effective 10/2/93; 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-010, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-010, filed 7/15/71; Order R-5, § 480-93-010, filed 6/6/69, effective 10/9/69.]

**Chapter 480-110 WAC
WATER COMPANIES**

WAC

480-110-011 Repealed.
480-110-016 Repealed.
480-110-018 Repealed.
480-110-021 Repealed.
480-110-023 Repealed.
480-110-026 Repealed.
480-110-028 Repealed.
480-110-031 Repealed.

480-110-032 Repealed.
480-110-036 Repealed.
480-110-041 Repealed.
480-110-046 Repealed.
480-110-051 Repealed.
480-110-056 Repealed.
480-110-061 Repealed.
480-110-066 Repealed.
480-110-071 Repealed.
480-110-076 Repealed.
480-110-081 Repealed.
480-110-086 Repealed.
480-110-091 Repealed.
480-110-096 Repealed.
480-110-101 Repealed.
480-110-111 Repealed.
480-110-116 Repealed.
480-110-121 Repealed.
480-110-126 Repealed.
480-110-131 Repealed.
480-110-136 Repealed.
480-110-141 Repealed.
480-110-146 Repealed.
480-110-151 Repealed.
480-110-156 Repealed.
480-110-161 Repealed.
480-110-166 Repealed.
480-110-171 Repealed.
480-110-176 Repealed.
480-110-205 Application of rules.
480-110-215 Exemptions from rules.
480-110-225 Saving clause.
480-110-235 Definition of control.
480-110-245 Glossary.
480-110-255 Jurisdiction.
480-110-265 Tariffs.
480-110-275 Accounting, and reporting requirements, and regulatory fees.
480-110-285 Securities, affiliated interest, transfer of property.
480-110-295 Adopted and initial tariffs.
480-110-305 Access to premises.
480-110-315 Availability of information.
480-110-325 Application for service.
480-110-335 Establishment of credit and deposits.
480-110-345 Refusal of service.
480-110-355 Discontinuance of service.
480-110-365 Service responsibilities.
480-110-375 Form of bills.
480-110-385 Water company responsibility for complaints and disputes.
480-110-395 Water quality refunds.
480-110-405 Meter accuracy and water pressure complaints.
480-110-415 Meters.
480-110-425 Water company customer notice requirements.
480-110-435 Extension contracts.
480-110-445 Service connections and customer service lines.
480-110-455 Water company funding mechanisms.
480-110-465 Political information and political education activities.
480-110-475 Reports of accidents.
480-110-485 Retention and preservation of records and reports.
480-110-495 Maps.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-110-011 Application of rules. [Order R-30, § 480-110-011, filed 7/15/71. Formerly WAC 480-110-010.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-016 Saving clause. [Order R-30, § 480-110-016, filed 7/15/71. Formerly WAC 480-110-020.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-018 Definition of control. [Statutory Authority: RCW 80.01.040 and 1991 c 101, 92-09-078 (Order R-373, Docket No. UW-920118), § 480-110-018, filed 4/15/92, effective 5/16/92.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-021 Glossary. [Statutory Authority: RCW 80.01.040 and 1991 c 101, 92-13-056 (Order R-374, Docket No. UW-920119), § 480-110-021, filed 6/11/92, effective

- 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-021, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-021, filed 7/15/71. Formerly WAC 480-110-030.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-023 Average customer revenue jurisdictional threshold. [Statutory Authority: RCW 80.04.010 and 80.01.040. 95-21-009 (Order R-434, Docket UW-950746), § 480-110-023, filed 10/6/95, effective 11/6/95. Statutory Authority: RCW 80.01.040. 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-023, filed 5/27/93, effective 6/27/93.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-026 Tariffs. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-026, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-026, filed 7/15/71. Formerly WAC 480-110-050 and 480-110-460.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-028 Fire flow requirements. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-028, filed 8/14/90, effective 9/14/90.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-031 Accounting. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-110-031, filed 12/15/89, effective 1/15/90; Order R-30, § 480-110-031, filed 7/15/71.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-110-032, filed 2/5/86.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-036 Finance—Securities, affiliated interests, transfer of property. [Order R-30, § 480-110-036, filed 7/15/71.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-041 Availability of information. [Statutory Authority: RCW 80.01.040. 85-11-019 (Order R-229, Cause No. U-85-11), § 480-110-041, filed 5/9/85; Order R-85, § 480-110-041, filed 6/30/76; Order R-30, § 480-110-041, filed 7/15/71. Formerly WAC 480-110-080.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-046 Application for service. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-046, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-046, filed 7/15/71. Formerly WAC 480-110-130.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-051 Deposits. [Statutory Authority: RCW 80.01.040. 94-01-095 (Order R-404, Docket No. UW-930955), § 480-110-051, filed 12/14/93, effective 1/14/94; Order R-85, § 480-110-051, filed 6/30/76; Order R-30, § 480-110-051, filed 7/15/71. Formerly WAC 480-110-150.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-056 Refusal of service. [Order R-30, § 480-110-056, filed 7/15/71. Formerly WAC 480-110-190.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-061 Contract for service. [Order R-30, § 480-110-061, filed 7/15/71. Formerly WAC 480-110-140.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-066 Distribution extensions—Service installations—Service connections. [Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-13-056 (Order R-374, Resolution No. UW-920119), § 480-110-066, filed 6/11/92, effective 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-066, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-066, filed 7/15/71. Formerly WAC 480-110-230.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-071 Discontinuance of service. [Order R-85, § 480-110-071, filed 6/30/76; Order R-30, § 480-110-071, filed 7/15/71. Formerly WAC 480-110-160 and 480-110-170.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-076 Service responsibilities. [Order R-30, § 480-110-076, filed 7/15/71. Formerly WAC 480-110-200, 480-110-210 and 480-110-220.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-081 Service connections. [Order R-30, § 480-110-081, filed 7/15/71. Formerly WAC 480-110-240.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-086 Meter location. [Order R-30, § 480-110-086, filed 7/15/71. Formerly WAC 480-110-280.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-091 Access to premises. [Order R-30, § 480-110-091, filed 7/15/71. Formerly WAC 480-110-120 and 480-110-250.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-096 Complaints and disputes. [Order R-85, § 480-110-096, filed 6/30/76; Order R-30, § 480-110-096, filed 7/15/71. Formerly WAC 480-110-090 and 480-110-100.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-101 Form of bills. [Order R-85, § 480-110-101, filed 6/30/76; Order R-30, § 480-110-101, filed 7/15/71. Formerly WAC 480-110-260.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-111 Refund for inaccurate metering. [Order R-30, § 480-110-111, filed 7/15/71. Formerly WAC 480-110-440.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-116 Responsibility for delinquent accounts. [Order R-30, § 480-110-116, filed 7/15/71. Formerly WAC 480-110-180.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-121 Meter charges and installation. [Order R-30, § 480-110-121, filed 7/15/71. Formerly WAC 480-110-290, 480-110-300 and 480-110-310.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-126 Meter readings. [Order R-30, § 480-110-126, filed 7/15/71. Formerly WAC 480-110-320.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-131 Identification of meters. [Order R-30, § 480-110-131, filed 7/15/71. Formerly WAC 480-110-420.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-136 Initial accuracy of meters. [Order R-30, § 480-110-136, filed 7/15/71. Formerly WAC 480-110-330 and 480-110-450.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-141 Accuracy of meters. [Order R-30, § 480-110-141, filed 7/15/71. Formerly WAC 480-110-350.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-146 Dispute as to accuracy of meters. [Order R-30, § 480-110-146, filed 7/15/71. Formerly WAC 480-110-390.]

- Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-151 Complaint meter test. [Order R-30, § 480-110-151, filed 7/15/71. Formerly WAC 480-110-400, 480-110-410 and 480-110-430.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-156 Statement of test procedures. [Order R-30, § 480-110-156, filed 7/15/71. Formerly WAC 480-110-040.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-161 Frequency of periodic tests. [Order R-30, § 480-110-161, filed 7/15/71. Formerly WAC 480-110-370.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-166 Meter history records. [Order R-30, § 480-110-166, filed 7/15/71. Formerly WAC 480-110-380.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-171 Reports of accidents. [Order R-30, § 480-110-171, filed 7/15/71. Formerly WAC 480-110-470.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-176 Filing of records and reports and the preservation of records. [Statutory Authority: RCW 80.01.040, 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-176, filed 5/27/93, effective 6/27/93; Order R-64, § 480-110-176, filed 2/13/74; Order R-30, § 480-110-176, filed 7/15/71. Formerly WAC 480-110-110.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

WAC 480-110-011 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-016 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-018 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-021 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-023 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-028 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-032 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-036 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-041 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-046 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-056 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-061 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-071 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-076 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-081 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-086 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-096 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-111 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-116 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-121 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-126 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-131 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-136 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-141 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-146 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-151 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-156 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-161 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-166 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-171 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-176 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-110-205 Application of rules. The rules in this chapter apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255. This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or receive average revenue of four hundred twenty-nine dollars or more per customer per year.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-205, filed 11/30/99, effective 12/31/99.]

WAC 480-110-215 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-215, filed 11/30/99, effective 12/31/99.]

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WAC 480-110-225 Saving clause. The commission may impose additional or different requirements on any water company in response to a complaint or on its own motion. These rules do not relieve any water company from any of its duties and obligations under the laws of the state of Washington.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-225, filed 11/30/99, effective 12/31/99.]

WAC 480-110-235 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010, "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

(a) May authorize the purchase or sale of all or part of the water system or its water rights;

(b) May authorize capital additions or improvements to the system;

(c) May accept contributed plant;

(d) May authorize the expenditure or acquisition of funds which encumber any asset of the company;

(e) May authorize the expenditure of funds for nonwater company purposes;

(f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control does not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-235, filed 11/30/99, effective 12/31/99.]

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

• Anyone who has paid water company fees and/or has an accepted application for service; or

• Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or

• Anyone who is actually receiving water service from the company with the knowledge of the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay, consistent with WAC 480-110-455, before the company will connect the customer's property to the water system.

"Initial tariff" means:

- The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or
- The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. It does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has given a letter agreeing to provide service; and

- The letter is currently enforceable and has not expired by its own terms; and
- The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, non-acute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

- Increase gross annual revenues of the company from activities regulated by the commission; or
- Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

- The water company has the ability to provide water service;
- The water company has committed to provide water service; and
- There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

- At the customer's request; or
- For nonpayment; or
- For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. It is also sometimes referred to as a system-readiness fee. The commission does not authorize this type of charge for regulated water companies.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or "company" means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission. It does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-245, filed 11/30/99, effective 12/31/99.]

WAC 480-110-255 Jurisdiction. (1) The commission only regulates investor-owned water companies that:

(a) Own, operate, control, or manage one or more water systems; except that control or management does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite management agency is not an owner of the water company.

(b) Meet jurisdictional thresholds of one hundred or more customers, or receive average revenue of four hundred twenty-nine dollars per customer per year.

If a water company serves customers	and receives average annual revenue per customer	commission regulation
99 or less	less than \$429	No
99 or less	\$429 or more	Yes
100 or more	less than \$429	Yes
100 or more	\$429 or more	Yes

(2) The commission does not regulate the following providers of water service:

- (a) Cities, towns, or counties.
- (b) Public utility districts.
- (c) Water districts.
- (d) Local improvement districts.
- (e) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service only to their owners or members.

(f) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service to nonmembers unless they serve one hundred or more nonmembers, or charge nonmembers more than four hundred twenty-nine dollars average annual revenue per nonmember.

(3) To determine jurisdiction, the commission considers only those customers receiving water. The commission does not consider customers who do not receive water, such as customers who have paid:

- (a) Water-availability letter fees.
- (b) Standby charges.
- (c) System-readiness fees.
- (d) Ready-to-serve charges.

(4) To calculate the average annual revenue per customer, the commission considers only the charges that water-receiving customers pay on a monthly basis, other than

contributions in aid of construction. For example, this includes money paid for flat-rate service or the metered base-charge and all usage charges.

(a) The commission does not include charges paid by customers who do not receive water, such as:

- (i) Water availability letter fees.
- (ii) Standby charges.
- (iii) System-readiness fees.
- (iv) Ready-to-serve charges.

(b) The commission does not consider contributions in aid of construction in determining jurisdiction. These contributions can be money, services or property. Payments can be made in a lump sum or financed over time. Examples of contributions in aid of construction include payments for:

- (i) Connection to system.
- (ii) Meter installation.
- (iii) System buy-in.
- (iv) Facilities charges.
- (v) Assessments for capital plant and equipment.

(5) The following example shows how to calculate the average annual revenue per customer for two hypothetical customers. The data for each customer are provided at the end of the example:

- (a) Select the most recent twelve consecutive months.

Example: February 1999 through January 2000.

(b) For each customer who received water service during the twelve-month period, add the amount the customer paid to the water company for items other than contribution in aid of construction items.

Example: Customer A paid \$340.
Customer B paid \$283.

(c) For each customer who received water service during the twelve-month period, add the number of months the customer received water service.

Example: Customer A received water service for twelve months.
Customer B received water service for nine months.

(d) Total the amount paid by customers during the twelve-month period.

Example:

	Paid to Water Company During the Twelve-Month Period
Customer A	\$340
Customer B	+ \$283
Total Paid During Twelve-Month Period	\$623

(e) Total the number of months each customer received water service.

Example:

	Number of Months Received Water Service During the Twelve-Month Period
Customer A	12
Customer B	+ 9
Total Months Received Water Service During the Twelve-Month Period	21

(f) Calculate the "Average Monthly Revenue Per Customer": Divide the "Total Paid During the Twelve-Month Period" by the "Total Months Received Water Service During the Twelve-Month Period."

Example:

Total Paid During the Twelve-Month Period	\$623
Total Months Received Water Service During the Twelve-Month Period	+ 21
Average Monthly Revenue Per Customer	\$29.67

(g) Calculate the "Average Annual Revenue Per Customer": Multiply the "Average Monthly Revenue Per Customer" times 12 months.

(A)	Average Monthly Revenue Per Customer	\$29.67	
	Months in a Year	x 12	
(B)	Average Annual Revenue Per Customer	\$356.04	

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—
Customer A

	<u>Standby Charge</u>	<u>Ready-to-Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>	
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes	
<u>Contribution in Aid of Construction</u>	No	No	Yes	Yes	No	No	
<u>Year</u>							<u>Total Paid</u>
1997					\$20	\$4	\$24
1997					\$20	\$5	\$25
1997					\$20	\$2	\$22
1997					\$25	\$5	\$30
1997					\$25	\$6	\$31
1997					\$25	\$12	\$37
1997					\$25	\$6	\$31
1997					\$25	\$4	\$29
1997					\$25	\$4	\$29
1997					\$25	\$3	\$28
1997					\$25	\$2	\$27
1998					\$25	\$2	\$27
	\$0	\$0	\$0	\$0	\$285	\$55	\$340
Number of months service					12		
					Not Receiving Water		\$0
					Receiving Water - Contribution in Aid of Construction		\$0
					Receiving Water - Other than Contribution in Aid of Construction		\$340
					Total customer paid during period		\$340

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—
Customer B

	<u>Standby Charge</u>	<u>Ready-to-Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>	
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes	
<u>Contribution in Aid of Construction</u>	No	No	Yes	Yes	No	No	
<u>Year</u>							<u>Total Paid</u>
1997	\$7						\$7
1997	\$7						\$7
1997		\$12					\$12
1997			\$300	\$4,500	\$25	\$5	\$4,830
1997					\$25	\$4	\$29

1997	July				\$25	\$3	\$28	
1997	August				\$25	\$12	\$37	
1997	September				\$25	\$10	\$35	
1997	October				\$25	\$15	\$40	
1997	November				\$25	\$5	\$30	
1997	December				\$25	\$2	\$27	
1998	January				\$25	\$2	\$27	
		\$14	\$12	\$300	\$4,500	\$225	\$58	\$5,109

Number of months service

9

	Not Receiving Water	\$26
	Receiving Water - Contributions in Aid of Construction	\$4,800
	Receiving Water - Other than Contribution in Aid of Construction	\$283
	Total customer paid during period	\$5,109

(h) To ensure that all customers are treated equitably, the commission will impute the same rates to any customers receiving free or reduced service that apply to other customers receiving comparable service on the same system.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-255, filed 11/30/99, effective 12/31/99.]

WAC 480-110-265 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities General—Tariffs, unless the commission has authorized deviation from the rules in writing.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-265, filed 11/30/99, effective 12/31/99.]

WAC 480-110-275 Accounting, and reporting requirements, and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). The USOA sets out the accounting requirements for class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-275, filed 11/30/99, effective 12/31/99.]

WAC 480-110-285 Securities, affiliated interest, transfer of property. (1) Prior to a water company issuing stock, evidence of indebtedness, or any other securities, the company must comply with the requirements of chapter 80.08 RCW and chapter 480-146 WAC.

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(2) Prior to a water company entering into a contract or arrangement with an affiliated interest, the company must file a copy, or summary if unwritten, of the contract or arrangement with the commission in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

(3) Prior to transferring, selling, leasing, or assigning any of its property or facilities, or before acquiring property, facilities, stock, or bonds of another public utility, a water company must apply for and obtain commission approval in accordance with chapter 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-285, filed 11/30/99, effective 12/31/99.]

WAC 480-110-295 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-09-337, Filing requirements—General rate increases water companies.

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-295, filed 11/30/99, effective 12/31/99.]

WAC 480-110-305 Access to premises. Authorized personnel of a water company have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation or removal of the company's property. Customers may ask to see the identification of the water company personnel before allowing entry to the customer's property.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-305, filed 11/30/99, effective 12/31/99.]

WAC 480-110-315 Availability of information. (1) A water company must notify its customers of its regular business hours, telephone number, mailing address and a twenty-four hour emergency telephone, pager, voice messaging, fax machine or mobile phone number, at least once a year.

(2) A water company must advise its customers and the commission of any change in address or telephone number(s) at least ten days prior to the effective date.

(3) The water company must develop procedures for prompt response to reported failures or emergencies. A company representative must respond to the customer who reported the service failure or emergency within twenty-four hours of the report.

(4) When a nonemergency customer call is received, a water company must return the customer's call within two business days.

(5) A water company must acknowledge and respond to a customer's written inquiry within two weeks of receiving the letter.

(6) The water company must provide a copy of the commission's consumer brochure to each new applicant for service, and once a year notify its current customers of the availability of the brochure and how to obtain a copy.

(7) The water company must make the following information available for review by customers:

(a) A copy of the water rules, chapter 480-110 WAC.

(b) A copy of the company's current rates and regulations (tariff).

(c) A copy of the consumer brochure published by the commission.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-315, filed 11/30/99, effective 12/31/99.]

WAC 480-110-325 Application for service. (1) When establishing initial service to a location the water company must obtain applications for service in writing, on company-supplied forms. The completed application form must:

(a) Include both the company's and the applicant's name, address and telephone number;

(b) Show the date the person applied for service;

(c) Comply with the water company's filed tariffs;

(d) Clearly state the type of service requested. (Examples: Residential or commercial, flat-rated or metered service, a letter to provide service, ready-to-serve, etc.);

(e) Include a property lot description, street number, or other sufficient description of location for service;

(f) Include a complete list and description of all applicable charges. (Examples: Account set-up, service connection, facilities charge, line extension, etc.);

(g) Include the date by which a customer can expect service;

(h) Include the application expiration date, if any;

(i) Include signatures of the potential customer and a company representative.

(2) After completing the application, the water company must:

(a) Provide the applicant with a copy of the completed form;

(b) Keep a copy of the completed application in the company's business office for no less than three years after the expiration date or the denial-of-service date;

(c) Inform the applicant within ten days of the company's intention to provide service or deny service. If service is denied, the company must tell the applicant the reason service is being denied and advise the applicant of the commission's toll-free number (1-800-562-6150) for appealing the decision.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-325, filed 11/30/99, effective 12/31/99.]

WAC 480-110-335 Establishment of credit and deposits. (1) **Establishment of credit - residential.** A company must not collect a security deposit if an applicant for residential water service can establish satisfactory credit by any one of the following factors:

(a) Prior service with the water company within the prior twelve months and:

(i) At least twelve consecutive months with no more than one delinquency notice; and

(ii) The service was not disconnected for nonpayment.

(b) Prior residential water service with another water company, as demonstrated in (a) of this subsection, for which references may be quickly and easily checked. The water company may request that the reference be in writing from the previous water company;

(c) Full-time consecutive employment during the prior twelve months with no more than two employers, and the

applicant is currently employed or has a regular source of income;

(d) Ownership of a legal interest in the premises being served;

(e) Furnishing a satisfactory guarantor responsible for payment of water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required;

(f) Producing, in person at the water company's business office, two major credit cards, or other credit references, that the company can quickly and easily check that demonstrate a satisfactory payment history.

(2) **Establishment of credit - nonresidential.** An applicant for nonresidential water service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A deposit may be required when:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) During the prior twelve months, the applicant's service from another water company has been disconnected for failure to pay amounts owing when due;

(c) There is an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served upon the applicant by any water company during the prior twelve months;

(e) The application is for the initiation or continuation of service to a residence where a prior customer still lives and owes a past due bill to the water company.

(4) **Amount of deposit.** Required deposits for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for that customer or location for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the water company's service territory, the deposit must be transferable, less any outstanding past-due balance owing from the old address.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The commission will advise the water company each year of the specific rate by mail.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit to the time of refund or total application of the deposit and must be compounded annually.

(7) **Extended payment arrangement of deposits.**

When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the applicant or customer must be allowed to pay fifty percent of the deposit prior to service, with the remaining balance payable in equal amounts over the next two months.

(8) **Cash payments.** When payment is made in person and in cash, a receipt must be furnished to each applicant or customer for the amount paid.

(9) **Refund of deposits when required.** Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment - when a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The water company has not initiated disconnection proceedings against the customer; and

(ii) No more than two notices of delinquency have been made to the customer by the water company.

(b) Termination of service - upon termination of service, the utility must return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer.

(10) **Refund of deposits method.** Any deposit, plus accrued interest, must be refunded to the customer in accordance with the preference indicated by the customer at the time of deposit, or as modified on a later date, using one of the following methods:

(a) In the form of a check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment as described above; or

(b) Applied to the customer's account for service beginning in the 13th month.

(11) **Additional deposit.** Nothing in this rule prevents the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons must be specified in writing to the customer. Any requirement for a new or larger deposit must comply with the standards set forth in this rule.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-335, filed 11/30/99, effective 12/31/99.]

WAC 480-110-345 Refusal of service. (1) A water company must not refuse or discontinue service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the company believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A water company cannot permanently deny service to an applicant or customer because of a prior obligation to the company. A prior obligation is the dollar amount that has been billed to a customer but left unpaid at the time of disconnection of service for nonpayment.

(3) The water company may refuse to connect an applicant for service, or refuse to increase service to a customer, when one or more of the following conditions exist:

(a) The service will adversely affect service being provided to other customers;

(b) The applicant or customer has not complied with state, county, or municipal codes or regulations concerning the approved design or use of the facilities;

(c) In the company's judgment, the applicant's or customer's installation of piping or equipment is hazardous, or of such design that satisfactory service cannot be provided;

(d) The applicant or customer has not installed on its premises required protective devices necessary to protect the company's property or that of its other customers;

(e) The company is unable to secure all necessary rights of way, easements, approvals, and permits;

(f) Furnishing the water is contrary to the provisions of the company's approved water system plan; or

(g) The location to be served is located outside of the company's service area.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-345, filed 11/30/99, effective 12/31/99.]

WAC 480-110-355 Discontinuance of service. (1) Service may be disconnected either by customer direction or by company action:

(a) **Customer-directed** - Customers wanting to discontinue service must notify the water company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company-directed: Notice requirements** - After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills, as provided for in WAC 480-110-375;

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305;

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination** - A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or repre-

sentations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use and all applicable fees; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies** - When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

(i) Residence location;

(ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.

(c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.

(d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

(e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) Required notice prior to disconnecting service - Water companies must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:

(i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and

(ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:

(i) **Delivered notice** - The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply; or

(ii) **Mailed notice** - The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

(i) Include detailed information pertinent to the situation; and

(ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and

(iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency** - Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection** - The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

(a) The causes of disconnection are removed; or

(b) The customer pays all proper charges; or

(c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335.

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-355, filed 11/30/99, effective 12/31/99.]

WAC 480-110-365 Service responsibilities. (1) Customer responsibility - Customers must notify the water company in writing prior to making a change in equipment or

usage that will materially affect the service being provided by the company. The customer must:

(a) Provide the company adequate time to install necessary additional facilities or supply; and

(b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility** - Water companies must:

(a) Install and maintain all equipment at appropriate locations necessary to operate the system;

(b) Install additional equipment as required by the commission in connection with performing special investigations; and

(c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any necessary adjustments must be equitably shared by the company and customer.

(3) **Maintenance** - Each water company must maintain its plant and system in a condition that enables it to furnish adequate service and meet its obligation under chapter 246-290 or 246-291 WAC, as applicable.

(4) **Quality of water** - Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply** - Each water company must protect its sources of supply, as required by Washington department of health under chapter 246-290 or 246-291 WAC, as applicable.

(6) **Operations and maintenance** - Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 or 246-291 WAC as applicable, and by good engineering practices.

(7) **Test records** - Each water company must:

(a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;

(b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Water companies must make all reasonable efforts to avoid outage of service but are not insurers in the event of emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

(i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and

(ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions** - Water companies must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

(i) The location;

(ii) The date and time;

(iii) The duration; and

(iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request;

(e) Notify the Washington department of health.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-365, filed 11/30/99, effective 12/31/99.]

WAC 480-110-375 Form of bills. (1) Customer bills must:

(a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;

(b) Show a reference to the applicable rate schedule;

(c) Identify and show each separate charge as a line item;

(d) Show the total amount of the bill;

(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time must be fifteen days after the bill's mailing date, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's business address and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the

company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) Water companies may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed. (Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-375, filed 11/30/99, effective 12/31/99.]

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a complaint or dispute from a customer or an applicant for service it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;

(f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

(a) An informal complaint against the company as set forth in WAC 480-09-150; and/or

(b) A formal complaint against the company as set forth in WAC 480-09-500.

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

(a) Investigate and report the results to the commission consumer affairs staff within two business days. The com-

mission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) Complainant's name and address;

(b) Date and nature of the complaint;

(c) Action taken; and

(d) Final result.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-385, filed 11/30/99, effective 12/31/99.]

WAC 480-110-395 Water quality refunds. (1) Water companies may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (primary contaminants); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320.

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-395, filed 11/30/99, effective 12/31/99.]

WAC 480-110-405 Meter accuracy and water pressure complaints. (1) When the water company receives a meter accuracy or water pressure complaint, it must perform a test and share the results with the customer. The test must be at no charge to the customer, except the water company may charge for any additional meter tests requested by the customer within a twelve-month period as provided in its tariff.

(2) The test must be performed within ten days of the complaint.

(3) The customer has the option to witness the test. Should the customer choose to witness the test, a mutually agreed time will be established. A continuously recording pressure gauge may be required for a period of up to one week based on customer complaints of low pressure.

(4) The meter or pressure test must be taken using industry standard methods and equipment.

(5) If a meter test reveals a meter error in excess of two percent water flow to the detriment of the customer, the company must repair or replace the meter at no cost to the customer. A refund for any over billing must be made to the customer.

(6) If the water company and customer cannot resolve a complaint, it may be appealed to the commission for resolution.

(7) The water company must keep a record of meter and pressure tests and have them available for inspection. The record must list the customer's name and address, type of complaint, resolution, and what test method was used.

(8) The water company must provide, at the commission's request, a description of the test procedures and equipment used to perform meter and pressure complaint tests.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-405, filed 11/30/99, effective 12/31/99.]

WAC 480-110-415 Meters. (1) Water company rights and responsibilities:

(a) The water company must:

- (i) Bear the cost of the meter and meter installation.
- (ii) Install water meters that are in working order and accurately measure water flow.
- (iii) Record meter serial numbers and identify location of installation.
- (iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.

(b) The water company may:

- (i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.
- (ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) Water customer rights and responsibilities:

(a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.

(b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.

(c) The water company has thirty days from the date of request to install the meter.

(d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.

(e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.

(f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-415, filed 11/30/99, effective 12/31/99.]

WAC 480-110-425 Water company customer notice requirements. (1) Draft customer notices must be submitted to the commission for review at least one week prior to the company's planned printing date for distribution.

(2) At a minimum, the water company must notify:

(a) Customers and potential customers who may be affected by the water company's proposal; and

(b) The public affairs section of the commission.

(3) Customers must receive notice thirty days prior to the requested effective date when a water company proposes to:

(a) Increase rates;

(b) Change terms and/or conditions of an existing service;

(c) Change the ownership or control of the operating company (see WAC 480-143-210 for content of notice);

(d) Institute a charge for a service that was formerly provided without charge; or

(e) Eliminate or grandfather any service.

(4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

(a) Date

(b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).

(c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	Proposed Rates
\$	\$

(d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.

(e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call 1-800-562-6150 and leave your name, complete mailing address, the water company's name, and a description of the proposal you are interested in.

Sincerely,

(Company Name/Representative)

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum, notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-425, filed 11/30/99, effective 12/31/99.]

WAC 480-110-435 Extension contracts. (1) Each water company must file, as a part of its tariff, an extension rule that states the conditions required by the company before it will extend its transmission and distribution infrastructure to provide water service to an applicant.

(2) Companies entering into any extension contract must:

(a) File the contract with the commission not less than thirty days before the proposed effective date of the contract.

(b) Conform the proposed contract to the applicable provisions of WAC 480-80-335.

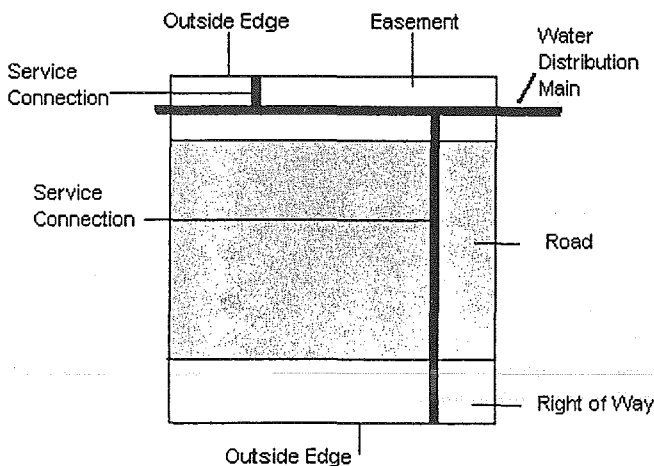
(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(4) An extension may also be referred to as a distribution extension, a main extension, or a line extension.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-435, filed 11/30/99, effective 12/31/99.]

WAC 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) **Service connection charge and service connection length.** The length of a service connection can vary depending on where the customer's service line is or will be located. A tariffed service connection charge may be assessed for the cost of a new service connection. However, if the service connection is longer than the distance from the water distribution main to the outside edge of the right of way or easement that runs along or parallel to the water distribution main and closest to the customer's property line, the cost of such an extension may be financed as line extension, at the option of the company. The related line extension contract is subject to approval by the commission under WAC 480-110-435.



(2) Service connections may be installed when the system is built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection

(3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-445, filed 11/30/99, effective 12/31/99.]

WAC 480-110-455 Water company funding mechanisms. (1) Some water companies have insufficient funds to respond to emergencies, replace or upgrade failing infrastructure, or add plant to accommodate growth. Frequently, water companies cannot obtain financing through traditional capital markets. The purpose of a surcharge or a facilities charge is to provide the water company with a source of capital, provided by customers, to fund capital needs. No company may collect a surcharge or facilities charge except by commission order or approval.

(2) Surcharges.

(a) Surcharges are designed to fund three types of financing needs:

(i) Future water utility plant. This surcharge allows the company to collect money from current customers to fund a reserve in order to pay for future capital projects that are part of a long-range plan. The project must be approved by the department of health as a part of a long-range plan, or required by the department of health to assure compliance with federal or state drinking water regulations, or to perform

construction or maintenance required by the department of ecology to secure safety to life and property under RCW 43.21A.064(2).

(ii) Current water utility plant. This surcharge is tied to the servicing and repayment of the debt used for the financing of the water utility plant required by:

(A) Washington department of health order or letter to adequately serve current customers; or

(B) Department of ecology.

(iii) Special expenses. This surcharge is used to pay for operating expenses that are independent and unique from normal operating expenses or that may be subject to large variations. This type of operating expense may need periodic reevaluation without the need of a general rate case. Examples of the use of this type of surcharge are: New or highly variable safe drinking water act testing and treatment expenses, extraordinary maintenance expenses, or temporary taxes.

(b) A surcharge may fund up to one hundred percent of the total cost of a project or expense.

(c) Funds received by surcharge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) When seeking approval of a surcharge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page, stating the amount of the surcharge and who must pay;

(iii) Supporting justification for the charge; and

(iv) If applicable, requests for capital surcharges must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to adequately serve current customers.

(3) Facilities charges.

(a) Facilities charges are designed to fund two types of capital needs:

(i) Future water utility plant. This type of facilities charge allows the company to collect money from new customers to fund a reserve in order to pay a portion of future capital projects that are part of a long-range plan. The project must be in accordance with the company's submitted comprehensive water system plan or Washington department of health order or letter requiring plant improvements to adequately serve current customers, or utility plant that is required by department of ecology.

(ii) Current water utility plant. This type of facilities charge allows the company to collect money from new customers to be used to fund a reserve to partially finance current plant improvements required by Washington department of health order or letter to adequately serve current customers or required by department of ecology.

(b) A facilities charge may not fund one hundred percent of the total cost of qualifying projects. The water company must maintain an appropriate ratio of rate base to total plant.

(c) Funds received through a facilities charge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) A water company may impose a facilities charge by tariff or contract.

(e) When seeking approval of a facilities charge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page or signed contract, stating the amount of the charge and who must pay;

(iii) Supporting justification for the charge;

(iv) Requests for a facilities charge must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to serve current or potential customers.

(4) Accounting and reporting requirements.

(a) Surcharge funds and facilities charge funds collected pursuant to this rule, and interest earned upon such funds must be held in a separate account by the company for the benefit of customers. Such funds do not become the property of company owners and may not (except as authorized in (b) of this subsection), be disbursed, alienated, attached, or otherwise encumbered by the company or its owners. In the event of a sale or transfer of the company, the trust obligations established in this rule regarding any unspent surcharge or facilities charge funds are transferred to the new owner of the company.

(b) Funds may be used from the account only to the extent and for the purposes approved by the commission.

(i) At the discretion of the commission, disbursements from the account may become subject to prior approval by the commission either by order by the commission or by letter from the executive secretary.

(ii) The company may be required to file requests for disbursements.

Requests must provide sufficient detail to allow the determination that the requested disbursement is in compliance with the commission's order.

(c) The water company must report for each tariffed surcharge or facilities charge the following information to the commission within sixty days of the end of the calendar quarter:

(i) Beginning balance;

(ii) Amounts received, detailed by source;

(iii) Amounts spent, detailed by project or expense;

(iv) Ending balance;

(v) Reconciliation of bank balance to general ledger.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-455, filed 11/30/99, effective 12/31/99.]

WAC 480-110-465 Political information and political education activities. (1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.

(2) Political information and political education activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.

(b) Soliciting support for political action committees.

(c) Gathering data for political mailing lists.

(d) Soliciting political contributions or recruiting political volunteers.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-465, filed 11/30/99, effective 12/31/99.]

WAC 480-110-475 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-475, filed 11/30/99, effective 12/31/99.]

WAC 480-110-485 Retention and preservation of records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or it may be ordered directly from the National Association of Regulatory Utility Commissioners.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-485, filed 11/30/99, effective 12/31/99.]

WAC 480-110-495 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-495, filed 11/30/99, effective 12/31/99.]

**Chapter 480-120 WAC
TELEPHONE COMPANIES**

WAC

480-120-052	Prepaid calling services.
480-120-058	Protection of customer prepayments.
480-120-139	Changes in local exchange and intrastate toll services.
480-120-144	Use of privacy listings for telephone solicitation.
480-120-151	Telecommunications carriers' use of customer proprietary network information (CPNI).
480-120-152	Notice and approval required for use of customer proprietary network information (CPNI).
480-120-153	Safeguards required for use of customer proprietary network information (CPNI).
480-120-154	Definitions.

WAC 480-120-052 Prepaid calling services. (1) Prepaid calling services - Defined.

(a) Prepaid calling services (PPCS) means any transaction in which a consumer pays for service prior to use and the prepaid account is depleted as a consumer uses the service. Prepaid calling services may require the use of an access

number or authorization code. The transaction often includes an object the size of a credit card which displays relevant information about the service. These objects are defined as prepaid calling cards.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-138.

(i) Credit cards: Cards that can be used to make consumer purchases utilizing preapproved bank credit (e.g., Visa, MasterCard). Consumers utilizing such cards to complete pay telephone calls are charged the applicable tariffed coin operator rates on file with the commission for pay phone provider service at that location.

(ii) Cash equivalent cards: Are cards that may either be purchased for exclusive use at card reader pay telephones or may be used both for consumer purchases and use at card reader pay telephones. Cash equivalent cards are not purchased for the exclusive use through an individual telecommunications provider. Consumers utilizing such cards to complete pay telephone calls are charged the applicable tariffed coin operator rates on file with the commission for pay phone provider service at that location.

(2) Business office requirements for providers of prepaid calling services. A company offering prepaid calling services must provide consumers a without charges telephone number staffed by live personnel during regular business hours. The personnel must be sufficient to respond to all service related inquires and must be capable of answering general account related questions. The without charge number business office number may be the same as the technical assistance number required in subsection (3) of this section.

(3) Technical assistance requirements when providing prepaid calling services. A company offering prepaid calling services must provide consumers a without charge number staffed by live personnel twenty-four hours a day, seven days a week. The personnel must be sufficient to respond to all inquires and must be capable of assisting consumers with technical problems or questions related to their service. The without charge number for technical assistance may be the same as the business office number required in subsection (2) of this section as long as the number is staffed twenty-four hours a day.

(4) Billing requirements for prepaid calling services.

(a) Billing increments must be defined in the company's price list, or tariff and presale document. If a company uses an increment based on a time measurement, the increments must not exceed one minute. If the company bills usage in "unit" measurements, units must clearly be defined using both equivalent dollar amounts and time measurement. Unit billing increments can not exceed the equivalent one minute rate.

(b) Service may be rated only for the actual time a circuit is open that allows for conversation. Conversation time of less than a full billing increment shall not be rounded up beyond that full increment.

(c) Companies may not reduce the value of a PPCS account by more than the charges specified on the prepaid calling card; prepaid calling card packaging; visible display at the point of sale; rates specified in the presale document; or

the rate authorized by the commission at the time of purchase. The PPCS may, however, be recharged by the consumer at a rate different from that specified in the initial presale agreement or the last recharge information so long as the rate and surcharges conform with the company's tariff or price list at the time of purchase. The consumer must be informed of the new rates at the time of recharge.

(d) Companies providing prepaid calling services must be capable of providing consumers, upon request, call detail reports at no charge.

(i) Companies may establish verification procedures to confirm the person requesting the call detail was the actual user of the service.

(ii) Call detail reports may be provided orally to a consumer. The company will only be required to provide a written call detail report at no charge if the user requests the information in writing.

(e) Companies providing prepaid calling services must maintain call data for a minimum of thirty months. The data must include the following:

(i) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(ii) The number of the originating phone when the information is passed to the prepaid calling provider;

(iii) The date and time the call was originated;

(iv) The duration or termination time of the call;

(v) The called number; and

(vi) The personal identification number (PIN) and/or account number.

(5) Written disclosure requirements for prepaid calling services - Prepaid calling cards.

(a) *Information required on prepaid calling cards.* At a minimum the cards must contain the following information:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without charge number to reach the company's business office;

(iii) The toll-free or without charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without charge number used to access the company's service, if applicable;

(v) Authorization code, if required to access the service or if applicable the toll-free number user is required to call to establish access capability;

(vi) Expiration date, if applicable. If a card expires after a set period of time from activation, (e.g., ninety days after first use) the company must place a general statement on the card outlining this expiration policy. If an expiration date or expiration policy is not disclosed on the card it will be considered live indefinitely; and

(vii) Cards must be voided or otherwise physically marked if they were produced as a "nonlive" card so that it is clear to the user that the card is only a sample and is not active. If the card is not disclosed as a nonoperative card, the card is considered live and the issuing company must honor it.

(b) *Prepaid calling card - Presale or point of sale documents.* The following information must be legibly printed on the card, packaging, or display visible in a prominent area at the point of sale of the prepaid calling card in such a manner that the consumer may make an informed decision prior to purchase. If the information below is to be provided on a visible display at the point of sale the company must ensure by contract with its retailers or distributors that the information is provided to the consumer.

(i) Maximum charge per billing increment for prepaid calling card service. If a company charges varying rates for intrastate and interstate calls all applicable rates must be provided. The rates displayed must be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(ii) Approved charges for all services, and surcharges, fees, and taxes, if applicable and the method of application;

(iii) Expiration policy, if applicable. If an expiration date is not disclosed the service will be considered live until the prepaid balance is depleted;

(iv) Recharge policy, if applicable. If an expiration date is not disclosed at the time service is recharged the service will be considered live indefinitely; and

(6) Written disclosure requirement for prepaid calling service - Other than prepaid calling cards. *Presale agreement.* The following information shall be provided in a presale document to an applicant prior to consumer prepayment and initiation of service:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without charge number to reach the company's business office;

(iii) The toll-free or without charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without charge number used to access the company's network, if applicable;

(v) Authorization code, if required to access the service;

(vi) Maximum charge per billing increment for prepaid calling service. If a company charges varying rates for intrastate and interstate calls all applicable rates must be provided. The rates displayed shall be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(vii) Approved charges for all services, and surcharges, fees, and taxes if applicable, and the method of application;

(viii) Expiration date, if applicable;

(ix) Recharge policy, if applicable.

(7) Verbal disclosure requirements for prepaid calling services.

(a) Companies offering prepaid calling service must:

(i) Provide an announcement at the beginning of each call indicating the time remaining on the prepaid account or prepaid calling card;

(ii) Provide an announcement when the prepaid account or prepaid calling card balance is about to be depleted. This

announcement must be made at least one minute prior to depletion.

(iii) When requested by a Washington state consumer, the company's business office and technical assistance office must provide the consumer the number for the Washington utilities and transportation commission consumer services line; and

(iv) Company supervisory personnel must provide dissatisfied applicants or subscribers the commission's toll-free number and address in conformance with WAC 480-120-101.

(8) Requirements for refund of unused balances.

(a) When a company has failed to provide service at rates provided in presale documentation or quoted at the time an account is recharged, or that the company has failed to meet technical standards, companies offering prepaid calling services must provide refunds for any unused service or provide equivalent credit in services offered when requested by a customer. Refunds must equal the value remaining on the prepaid calling account or prepaid card. The customer is allowed to choose either the refund or equivalent service option.

(b) Refund requests received from consumers for reasons other than improper rates or failure to meet technical standards may be made at the sole discretion of and in a form prescribed by the company.

(9) Performance standards for prepaid calling services. Each company shall ensure that:

(a) A minimum of ninety-eight percent of all call attempts are completed to the called party's number. Station busies and unanswered calls will be considered completed calls.

(b) A minimum of ninety-eight percent of all call attempts are completed to a company's business office number. Station busies and unanswered calls will not be counted as completed calls.

(c) A minimum of ninety-eight percent of all call attempts are completed to the company's technical assistance number. Station busies and unanswered calls will not be counted as completed calls.

(10) Requirements when a company ceases operations in the state of Washington. When a company ceases operations in the state, the company must:

(a) Provide the commission with thirty days advance notice in writing.

(b) At least twenty-one days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending, and explain how customers may receive a refund on any unused service.

(c) Beginning at least fifteen days before termination, provide oral notice of termination at the beginning of each call originated in Washington, including the date of termination and a number to call for more information.

(d) Provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days from the date company ceases operations.

(e) Within twenty-four hours after ceasing operations, provide the commission and the company's bonding agent a

list of all account numbers with unused balances. The list must include the following:

(i) The identification number used by the company on each account for billing/debit purposes;

(ii) The unused portion of any prepaid monthly fee on each account;

(iii) The unused time, stated in units or minutes as applicable on each account and the equivalent dollar amount.

(11) Compliance requirements for prepaid calling services.

(a) Printed materials including prepaid calling cards, pre-sale documents, and point of sale documents.

(i) All materials printed ninety days after the effective date of the rule must comply with provisions of this rule;

(ii) All printed materials in circulation must comply with this rule within nine months of the effective date of this rule.

(b) Rules requirements - excluding printed material. Companies providing prepaid calling services within the state of Washington must be in compliance with this rule within ninety days of the effective date of this rule.

(12) Other regulatory requirements. Companies providing prepaid calling services must comply with all other laws and commission rules relating to provision of telecommunications services unless the company has filed for and received waiver from the commission.

(13) Penalties for provision of service by an unregistered telecommunications company. When a penalty is imposed upon finding that an unregistered company has provided prepaid calling services within the state of Washington, the commission may assess penalties of up to one hundred dollars per day per violation under RCW 80.04.405 and/or up to one thousand dollars per day per violation under RCW 80.04.380.

[Statutory Authority: RCW 80.36.140, 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-052, filed 4/26/99, effective 8/18/99.]

WAC 480-120-058 Protection of customer prepayments. (1) A company that intends to collect customer prepayments must first demonstrate to the commission that it meets (a), (b), or (c) of this subsection.

(a) The company has a corporate debt rating, according to Standard & Poor's of BBB or higher, or according to Moody's of BAA or higher, with respect to outstanding debt obligation; or

(b) The company has a performance bond satisfactory to the commission sufficient to cover any customer prepayments; or

(c) The company has made provision for deposit of customer prepayments in a federally insured interest bearing trust account maintained by applicant solely for customer advances. The prepayments must be deposited in a bank, savings and loan association, mutual savings bank, or licensed escrow agent with access to such funds only for the purpose of refunding prepayments to customers. The funds must be maintained in an account within the state of Washington. In any order granting certification, the commission may require either bond or trust account or escrow as a condition.

(2) Reporting requirements for every bond or trust account.

(a) Each company collecting customer prepayments must submit to the commission a report within fifteen days after the end of each calendar quarter. The report must contain the following information specific to state of Washington operations:

- (i) Total outstanding balance of customer prepayments at the beginning of the reporting period;
- (ii) Dollar amount of prepaid services sold during the reporting period;
- (iii) Depleted usage of prepaid services during the reporting period; and
- (iv) Total outstanding prepaid service balances at the end of the reporting period.

(b) Nothing in this rule precludes commission staff from requesting current company financial or operating information at any time.

(c) A company may petition the commission for a reduction in reporting requirements. The commission may grant or deny the request by letter from the commission secretary.

(3) Calculation of trust or bond levels.

(a) The initial level of the bond or trust must comply with the provisions of subsection (1)(b) or (c) of this section.

(b) The company must adjust the subsequent level of the bond or trust based upon quarterly reports data and the company must notify the commission of that adjustment.

(4) A company may petition for and the commission may grant waiver of the bond/trust requirement either at the time of registration or at such later time as the company can demonstrate to the commission's satisfaction that it meets standards for waiver of the bond/trust requirement. The petitioning company must provide documentation to the commission in support of the petition. The commission may grant or deny the request by letter from the commission secretary. The commission will evaluate the following to determine whether a waiver of the bond/trust requirement will be granted:

(a) Certified financial statements establishing adequate financial resources sufficient to provide service to consumers of prepaid telecommunications service;

(b) Confirmation that the company has received approval for and has been providing comparable services satisfactorily in one or more other state jurisdictions. The documentation must consist of information from the regulatory agency in the other state and must demonstrate that the company has complied with that states' rules and regulations and has provided adequate levels of service for twelve consecutive months;

(c) Compliance, following registration with the commission, with Washington rules and provision of adequate levels of service for at least twelve consecutive months;

(d) Documentation that the company has established a bond rating as provided for in subsection (1)(a) of this section;

(e) Other evidence demonstrating that consumer interests will be adequately protected.

[Statutory Authority: RCW 80.36.140, 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-058, filed 4/26/99, effective 8/18/99.]

WAC 480-120-139 Changes in local exchange and intrastate toll services. (1) Verification of orders. A local exchange or intrastate toll carrier to whom service is being

changed ("new telecommunications company") may not submit a change order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the following procedures:

(a) The telecommunications company has obtained the customer's written authorization to submit the order which includes the following information from the customer:

- (i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;
- (ii) The decision to change; and
- (iii) The customer's understanding of the change fee.

(b) The new telecommunications company has obtained the customer's authorization, as described in (a) of this subsection, electronically.

Telecommunications companies electing to confirm sales electronically shall establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) shall connect a customer to a voice response unit, or similar, that records the required information regarding the change, including automatically recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data in (a) of this subsection.

(2) Implementing order changes.

(a) Telemarketing orders. Within three business days of any telemarketing order for a change, the new telecommunications company must send each new customer an information package by first class mail containing at least the following information concerning the requested change:

(i) The information is being sent to confirm a telemarketing order placed by the customer.

(ii) The name of the customer's current telecommunications company.

(iii) A description of any terms, conditions or charges that will be incurred.

(iv) The name of the newly requested telecommunications company.

(v) The name of the person ordering the change.

(vi) The name, address and telephone number of both the customer and the soliciting telecommunications company.

(vii) A postpaid postcard which the customer can use to deny, cancel or confirm a service order.

(viii) A clear statement that if the customer does not return the postcard, the customer's service will be switched fourteen days after the date the information package was mailed. If customers have cancelled their orders during the waiting period, the new telecommunications company cannot submit the customer's order.

(ix) The name, address and telephone number of a contact point at the commission for consumer complaints.

(x) The requirements in (a)(vii) and (viii) of this subsection do not apply if authorization is obtained pursuant to subsection (1) of this section.

(b) The documentation of the order shall be retained by the new telecommunications company, at a minimum, for twelve months to serve as verification of the customer's authorization to change telecommunications company. The documentation will be made available to the customer and to the commission upon request.

(3) Customer initiated orders. The new telecommunications company receiving the customer initiated request for a change of local exchange and/or intrastate toll shall keep an internal memorandum or record generated at the time of the request. Such internal record shall be maintained by the telecommunications company for a minimum of twelve months to serve as verification of the customer's authorization to change telecommunications company. The internal record will be made available to the customer and to the commission upon request. Within three business days of the order, the telecommunications company must send each new customer an information package by first class mail containing at least the following information concerning the request to change as defined in subsection (2)(a)(ii), (iii), (iv), (v) of this section.

(4) Remedies. In addition to any other penalties provided by law, a telecommunications company initiating an unauthorized change order shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The subscriber may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment shall be remitted to the customer's authorized telecommunications company.

[Statutory Authority: RCW 80.01.040, 99-11-070 (Order R-463, Docket No. UT-971514), § 480-120-139, filed 5/18/99, effective 6/18/99; 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-139, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97.]

WAC 480-120-144 Use of privacy listings for telephone solicitation. A telecommunications company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-144, filed 2/5/99, effective 3/8/99.]

WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). (1) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same carrier, without customer approval.

(a) If a telecommunications carrier provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

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(b) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI among the carrier's affiliated entities.

(2) A telecommunications carrier may not use, disclose or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe to from that carrier, unless the carrier has customer approval to do so, except as described in subsection (3) of this section.

(a) A telecommunications carrier may not use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and Internet access services. For example, a carrier may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice mail service.

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange carrier may not use local service CPNI to track all customers who call local service competitors.

(c) A telecommunications carrier may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.

(3) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this subsection.

(a) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) CMRS (wireless telecommunications service) providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(c) Local exchange companies and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-151, filed 2/5/99, effective 3/8/99.]

WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). (1) A telecommunications carrier must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that carrier.

(2) A telecommunications carrier may obtain approval through written, oral or electronic methods.

(3) A telecommunications carrier relying on oral approval must bear the burden of demonstrating that such

approval has been given in compliance with the commission's rules.

(4) Approval obtained by a telecommunications carrier for the use of CPNI outside of the customer's total service relationship with the carrier must remain in effect until the customer revokes or limits such approval, so long as the carrier maintains the records of customer notification and approval required in this rule.

(5) A telecommunications carrier must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

(6) Prior to any solicitation for customer approval, a telecommunications carrier must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(a) A telecommunications carrier may provide notification through oral or written methods.

(b) Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the carrier a duty, under federal and state law, to protect the confidentiality of CPNI.

(ii) The notification must specify the types of information that constitute CPNI and the specific entities that will receive CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes.

(iv) The notification must be comprehensible and must not be misleading.

(v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.

(vi) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(vii) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that the customer upon affirmative written request may compel the carrier to disclose CPNI to any person.

(viii) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

(ix) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that carrier is valid until the customer affirmatively revokes or limits the approval or denial.

(7) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

(8) A telecommunications carrier's solicitation for approval, if written, must not be a document separate from the notification, even if both documents are included within the same envelope or package.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-152, filed 2/5/99, effective 3/8/99.]

WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI). (1) Telecommunications carriers must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and carriers must implement an express disciplinary process to deal with violations of the requirement.

(2) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with rules governing outbound marketing situations and must maintain records of carrier compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) A telecommunications carrier must have a corporate officer, as an agent of the carrier, sign a compliance certificate on an annual basis that the officer has personal knowledge that the carrier is in compliance with the rules of this subpart. A statement explaining how the carrier is in compliance with the rules in this subpart must accompany the certificate.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-153, filed 2/5/99, effective 3/8/99.]

WAC 480-120-154 Definitions. For purposes of WAC 480-120-151 through 480-120-154, terms have the following meaning:

(1) **Affiliate.** An affiliate is an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

(2) **Customer.** A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.

(3) **Commercial mobile radio service (CMRS).** Commercial mobile radio service means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

(4) **Customer proprietary network information (CPNI).** Customer proprietary network information (CPNI) is:

(a) Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship; and

(b) Information contained in a customer's bill pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. Customer proprietary network information does not include subscriber list information.

(5) **Customer premises equipment (CPE).** Customer premises equipment (CPE) is equipment employed on the pre-

mises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(6) Information service. Information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(7) Local exchange carrier (LEC). A local exchange carrier (LEC) is any person that is engaged in the provision of telephone exchange service or exchange access. For purposes of these rules, the term does not include a person insofar as such person is engaged in the provision of commercial mobile service under 47 U.S.C. 332(c).

(8) Subscriber list information (SLI). Subscriber list information (SLI) is any information:

(a) Identifying the listed names of subscribers of a carrier and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(9) Telecommunications carrier. A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226 (a)(2)). The definition of telecommunications carrier for purposes of these rules does not include CMRS providers, except as a substitute for wire line telecommunications in locations where wire line services are not available.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-154, filed 2/5/99, effective 3/8/99.]

Chapter 480-121 WAC

REGISTRATION, COMPETITIVE CLASSIFICATION AND PRICE LISTS OF TELECOMMUNICATIONS COMPANIES

WAC

480-121-010	Filing of registration application, competitive classification petition, and price list.
480-121-015	Exemptions from rules.
480-121-020	Requirements for registration applications, competitive classification petitions, and price lists.
480-121-023	When a supplemental application is required.
480-121-026	Rejection of registration application, competitive classification petition, and price list.
480-121-030	Additional information.
480-121-040	Grant or denial of registration.
480-121-050	Cancellations.
480-121-060	Revocation of registration.
480-121-070	Petition for competitive classification.

WAC 480-121-010 Filing of registration application, competitive classification petition, and price list. Applications, petitions, and price lists must be filed at the office of the commission in Olympia, Washington, by mail or in person. Applicants must submit a declaration signed and dated by applicant or its attorney certifying the accuracy of the

application, petition, and price list. Applications, petitions, and price lists will be assigned a docket number. All additional exhibits and data thereafter filed, and correspondence in connection with the filing, should bear that docket number. Applications for registration, petitions for competitive classification, and price lists must be submitted at the same time. The applicant must file with the commission an original application, petition, and price list and any additional copies as the commission may require.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-010, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-010, filed 9/19/85.]

WAC 480-121-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-015, filed 6/15/99, effective 7/16/99.]

WAC 480-121-020 Requirements for registration applications, competitive classification petitions, and price lists. (1) Applications for registration must:

(a) Be in the form prescribed by the commission;

(b) Comply with the rules set forth in chapter 480-120 WAC; and

(c) Be accompanied by the applicant's current balance sheet, latest annual report, if any, and a description of the telecommunications service it intends to offer.

(2) Petitions for competitive classification must meet the requirements of WAC 480-120-023.

(3) Price lists must meet the requirements of WAC 480-120-027.

(4) As a condition to registration, with or without hearing, the commission may require an applicant clearly show that:

(a) The applicant possesses adequate financial resources to provide the proposed service;

(b) The applicant possesses adequate technical competence to provide the proposed service;

(c) The applicant is in compliance with all applicable federal, state and local telecommunications technical and business regulations.

(5) The commission may request an applicant to provide information regarding the applicant's regulatory performance in other states in which it operates.

(6) Applicants intending to collect customer prepayments must meet the requirements of WAC 480-120-058.

(7) Applicants collecting customer deposits pursuant to WAC 480-120-056 may be required to procure a bond or establish a federally insured interest-bearing trust account.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-020, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-020, filed 9/19/85.]

WAC 480-121-023 When a supplemental application is required. Supplemental registration applications, competitive classification petitions, and price lists are required if a telecommunications company intends to amend its registration to include collecting deposits or providing alternate operator services, local exchange services, or prepaid calling services.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-023, filed 6/15/99, effective 7/16/99.]

WAC 480-121-026 Rejection of registration application, competitive classification petition, and price list. Registration applications, competitive classification petitions, and price lists not in substantial compliance with these rules and chapter 480-120 WAC will be rejected by the commission and returned to the applicant.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-026, filed 6/15/99, effective 7/16/99.]

WAC 480-121-030 Additional information. The commission may require additional information to supplement the registration application, competitive classification petition, and price list. Unless a different time is specified, such information shall be provided within ten days of the written request.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-030, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-030, filed 9/19/85.]

WAC 480-121-040 Grant or denial of registration. An application may be granted without hearing upon a determination by the commission that the application is consistent with the public interest, that the applicant meets the requirements of this section and RCW 80.36.350 and that the applicant has provided adequately for the protection of customer deposits or prepayments. The application may be set for hearing in accordance with notice issued by the commission. If, after hearing, the commission finds that registration is not consistent with the public interest, or that the applicant does not meet the requirements of RCW 80.36.350, or that customer deposits or prepayments cannot be adequately protected, it will deny the application.

The commission will deny an application for registration submitted by an alternate operator services provider if, after hearing, the commission finds that the operator services

offered by the company or the charges for those services are not consistent with the public convenience and advantage.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-040, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW, 90-24-090 (Order R-332, Docket No. UT-900733), § 480-121-040, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-040, filed 9/19/85.]

WAC 480-121-050 Cancellations. (1) A request to cancel registration as a telecommunications company must be submitted in writing to the commission.

(2) Registered telecommunications companies collecting prepayments that cease operations must comply with WAC 480-120-058(10).

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-050, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-050, filed 9/19/85.]

WAC 480-121-060 Revocation of registration. The commission may revoke a registration, after hearing, for good cause. Good cause includes, but is not limited to, failure to:

- (1) File an annual report;
- (2) Pay regulatory fees;
- (3) Comply with the requirements of WAC 480-120-058;
- (4) Provide adequate service;
- (5) Maintain correct contact information, including current address and telephone number;
- (6) Comply with applicable federal, state and local telecommunications and business regulations; or
- (7) Comply with applicable federal, state, and local technical regulations imposed on the carrier.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-060, filed 6/15/99, effective 7/16/99.]

WAC 480-121-070 Petition for competitive classification. (1) In addition to meeting the requirements of WAC 480-120-023, a petition for competitive classification must state an effective date no sooner than thirty days from the filing date.

(2) The petitioner must provide notice in the same manner as provided in WAC 480-80-120 for tariff changes.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-070, filed 6/15/99, effective 7/16/99.]

Chapter 480-140 WAC COMMISSION GENERAL—BUDGETS

WAC	Definitions.
480-140-010	Definitions.
480-140-015	Exemptions from rules.
480-140-020	Who must file.
480-140-030	When to file.
480-140-040	What to file.
480-140-050	Repealed.
480-140-060	Repealed.
480-140-070	Repealed.
480-140-080	Confidentiality provision.
480-140-090	Repealed.
480-140-100	Repealed.
480-140-110	Repealed.

480-140-120	Repealed.
480-140-130	Repealed.
480-140-140	Repealed.
480-140-150	Repealed.
480-140-160	Repealed.
480-140-170	Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-140-050	Approval. [Order R-5, § 480-140-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-060	Supplemental change. [Order R-5, § 480-140-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-070	Emergency expenditures. [Order R-5, § 480-140-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-090	Conformity of accounts. [Order R-5, § 480-140-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-100	Donations. [Order R-5, § 480-140-100, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-110	Dues. [Order R-5, § 480-140-110, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-120	Wage scales. [Order R-5, § 480-140-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-130	Tax expenditures. [Order R-5, § 480-140-130, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-140	Affiliated interests. [Order R-5, § 480-140-140, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-150	Advertising. [Order R-5, § 480-140-150, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-160	Salaries. [Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-160, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330. 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-160, filed 2/23/83; Order R-5, § 480-140-160, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-170	Operations covered. [Order R-5, § 480-140-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

WAC 480-140-010 Definitions. Commission means Washington utilities and transportation commission.

Net utility plant in service means plant in service less accumulated depreciation and amortization.

Public service company means every gas company, electrical company, telecommunications company, and water company subject to regulation under the provisions of Title 80 RCW as to rates and service by the commission.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-010, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-010, filed 6/6/69, effective 10/9/69.]

WAC 480-140-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-015, filed 11/15/99, effective 12/16/99.]

WAC 480-140-020 Who must file. The following public service companies with annual gross operating revenues exceeding two hundred fifty thousand dollars must file budgets with the commission:

- (1) Gas companies;
- (2) Electrical companies;
- (3) Telecommunications companies that serve more than two percent of the access lines in the state of Washington, except those companies classified as competitive by the commission; and

(4) Water companies that are not required to file water system plans with the department of health in compliance with WAC 246-290-100. Water companies required to file water system plans with the department of health must concurrently file a copy with the commission.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-020, filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.01.040. 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-020, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-020, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-020, filed 12/5/86; Order R-5, § 480-140-020, filed 6/6/69, effective 10/9/69.]

WAC 480-140-030 When to file. The budget for the ensuing fiscal year must be filed with the commission within ten days after it is approved by the company, but no later than sixty days after the beginning of the company's fiscal year.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330, 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-030, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-030, filed 6/6/69, effective 10/9/69.]

WAC 480-140-040 What to file. Budgets, in a format selected by the reporting company, must show amounts needed for construction, operation and maintenance during the ensuing year. The reporting company must provide the information by industry (water, gas, electrical, and telecommunications) to the extent such information has been prepared. All major construction projects must be identified in the budget. Major construction projects will be determined as described below:

(1) For water, gas, and electrical companies, major projects include all projects where the Washington-allocated share of the total project is greater than five-tenths of one percent of the company's latest year-end Washington-allocated net utility plant in service, but does not include any project of less than three million dollars on a total project basis. This determination for companies providing combined industry services will be done on an industry-specific basis.

(2) For telecommunications companies, major projects include all construction projects where the intrastate Washington jurisdictional share is greater than one million dollars.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330, 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-040, filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.01.040, 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-040, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-040, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320, 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-040, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330, 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-040, filed 2/23/83; Order R-5, § 480-140-040, filed 6/6/69, effective 10/9/69.]

WAC 480-140-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-080 Confidentiality provision. The commission may, in its discretion, to the extent permitted by RCW 80.04.095 and chapter 42.17 RCW, upon the request of any public service company, withhold from publication, any portion of any budget designated as confidential pursuant to WAC 480-09-015.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330, 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-080, filed 11/15/99, effective 12/16/99; Order R-43, § 480-140-080, filed 4/5/73 and 4/18/73; Order R-5, § 480-140-080, filed 6/6/69, effective 10/9/69.]

WAC 480-140-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-140-170 Repealed. See Disposition Table at beginning of this chapter.

Chapter 480-143 WAC

COMMISSION GENERAL—TRANSFERS OF PROPERTY

WAC

480-143-010	Repealed.
480-143-020	Repealed.
480-143-030	Repealed.
480-143-040	Repealed.
480-143-050	Repealed.
480-143-060	Repealed.
480-143-070	Repealed.
480-143-080	Repealed.
480-143-100	Application of rules.
480-143-110	Filing.
480-143-120	Transfers of property.
480-143-130	Purchase of property.
480-143-140	General contents.
480-143-150	Statement required for nonpublic service company purchases.
480-143-160	Public hearing.
480-143-170	Application in the public interest.
480-143-180	Disposal and determination of necessary or useful property.
480-143-190	Annual filing of property transferred without authorization.
480-143-200	Certain telephone leases are exempt.
480-143-210	Transfer customer notice requirements.
480-143-990	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-143-010	Sale, lease or assignment of property. [Order R-5, § 480-143-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-020	Purchase of property. [Order R-5, § 480-143-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99,

- effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-030 Statement required of a nonutility. [Order R-5, § 480-143-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-040 Public hearing. [Order R-5, § 480-143-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-050 Transaction must be consistent with public interest. [Order R-5, § 480-143-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-060 Definition of property not necessary or useful. [Order R-5, § 480-143-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-070 Annual filing of property disposed of without authorization. [Order R-5, § 480-143-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-080 Certain telephone utility leases exempt. [Order R-5, § 480-143-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-143-990 Form of verification for application. [Order R-5, Form (codified as WAC 480-143-990), filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-143-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-143-100 Application of rules. The rules in this chapter apply to any public service company that meets the requirements for commission regulation or jurisdiction under RCW 80.04.010. The rules do not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington.

The commission may waive or modify the application of any rule to a public service company upon written request or upon the commission's own motion, except when such provisions are fixed by statute. The waiver or modification must be approved by the commission in writing. Violations of these rules will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-100, filed 4/1/99, effective 5/2/99.]

WAC 480-143-110 Filing. Any filing under this chapter must be made at the commission by mail or in person or as the commission otherwise may provide.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-110, filed 4/1/99, effective 5/2/99.]

WAC 480-143-120 Transfers of property. A public service company may not complete a transfer of property necessary or useful to perform its public duties unless the company first applies for, and obtains, commission approval. Transfers include sale, lease, assignment of all or part of a public service company's property, and merger or consolidation of a public service company's property with another public service company. Certain telephone utility leases are exempt under WAC 480-143-200. Applications must describe transfers in detail and must include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-120, filed 4/1/99, effective 5/2/99.]

WAC 480-143-130 Purchase of property. A public service company may not acquire any franchise, property, facility, capital stock, or bonds of another public service company unless it first applies for, and obtains, commission approval. Applications must describe the proposed acquisitions in detail and include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-130, filed 4/1/99, effective 5/2/99.]

WAC 480-143-140 General contents. Applicants must state all facts that support each application. Each application must be dated and signed by the applicant, the applicant's authorized representative, or the applicant's attorney. Whoever signs the application must certify that the information it includes is true and correct to the best of the signer's information and belief under penalty of perjury as set forth in RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-140, filed 4/1/99, effective 5/2/99.]

WAC 480-143-150 Statement required for nonpublic service company purchases. If a company other than a pub-

lic service company proposes to acquire franchises, property, or facilities from a public service company, the commission may require a sworn statement from the purchaser that includes any resulting changes in rates, services, or equipment that may affect the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-150, filed 4/1/99, effective 5/2/99.]

WAC 480-143-160 Public hearing. The commission will examine all applications for transfers and accompanying exhibits. The commission may set an application for hearing and require all parties to the transaction to appear and give testimony.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-160, filed 4/1/99, effective 5/2/99.]

WAC 480-143-170 Application in the public interest. If, upon the examination of any application and accompanying exhibits, or upon a hearing concerning the same, the commission finds the proposed transaction is not consistent with the public interest, it shall deny the application.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-170, filed 4/1/99, effective 5/2/99.]

WAC 480-143-180 Disposal and determination of necessary or useful property. A public service company must not dispose of any property necessary or useful to perform its public duties unless it first applies for, and obtains, written authority from the commission.

Necessary or useful includes all property except items that:

- (1) Are substituted with or replaced by items of equal or greater value or usefulness;
- (2) Are surplus and unneeded assets for which full value is received;
- (3) Are obsolete; or
- (4) Are excluded from the public service company's rate base by commission order, or otherwise.

The public service company must file an application for commission determination that the property is not necessary or useful, prior to disposing of such property, if the property to be disposed of has a market value that exceeds the greater of .1% of the public service company's rate base (for the applicable utility service) last established by commission order, or \$20,000.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-180, filed 4/1/99, effective 5/2/99.]

WAC 480-143-190 Annual filing of property transferred without authorization. Every public service company must file with the commission by March 1 of each year a detailed list of all items transferred without commission approval during the previous calendar year, except items whose fair market value is less than the greater of .01% of the public service company's last rate base (for the applicable utility service) established by commission order or two thou-

sand dollars. The public service company must attach an affidavit by a responsible officer qualified to state that none of the items was necessary or useful to perform the public service company's public duties and that the public service company received fair market value for each item.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-190, filed 4/1/99, effective 5/2/99.]

WAC 480-143-200 Certain telephone leases are exempt. A telephone utility may lease its properties to another telephone utility without prior commission approval if:

- (1) The properties are not essential to the lessor's provision of telephone service;
- (2) The properties are used to transmit interexchange messages between subscribers of different utilities;
- (3) The lease expedites economical interexchange telephone service; and
- (4) A copy of the lease agreement is kept in the lessor's office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-200, filed 4/1/99, effective 5/2/99.]

WAC 480-143-210 Transfer customer notice requirements. (1) Whenever a public service company files an application to merge or consolidate any of its franchises, property or facilities with any other company, it must provide notice to customers. This notice must be provided thirty days before the commission's open meeting date when the application is scheduled for action.

(2) A draft customer notice must be submitted to the commission for review at least one week prior to the public service company's planned printing date for distribution.

(3) The public service company must provide a final copy of the notice to the commission.

(4) Content of notice. The notice to customers must contain, at a minimum, the following:

COMPANY NAME
ADDRESS
PHONE NUMBER

DATE

IMPORTANT NOTICE

(Company Name) has asked the Washington Utilities and Transportation Commission for authorization to transfer ownership and operation of (name of company being sold) to (name of company buying). This transfer is contingent upon approval by the Washington Utilities and Transportation Commission.

(Give background information about the new owner, for example, how many years in business, etc.)

If you have questions about this request and how it will affect you, please call (company name & office phone number). If you have questions about the approval process, you may

contact the Washington Utilities and Transportation Commission at the following address:

Secretary
 Washington Utilities & Transportation Commission
 P.O. Box 47250
 Olympia, WA 98504-7250
 1-800-562-6150 (toll-free)

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be considered as part of the formal record. The commission encourages your written comments, either in favor or opposition, regarding this proposal. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date please call the toll-free number listed above and leave your name and complete mailing address.

Sincerely,
 Company Name/Representative

(5) The commission may require additional notice to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-210, filed 4/1/99, effective 5/2/99.]

WAC 480-143-990 Repealed. See Disposition Table at beginning of this chapter.

Chapter 480-146 WAC

COMMISSION GENERAL—SECURITIES, LIENS, AFFILIATED INTERESTS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

WAC

- 480-146-010 Repealed.
- 480-146-020 Repealed.
- 480-146-030 Repealed.
- 480-146-040 Repealed.
- 480-146-050 Repealed.
- 480-146-060 Repealed.
- 480-146-070 Repealed.
- 480-146-080 Repealed.
- 480-146-090 Repealed.
- 480-146-091 Repealed.
- 480-146-095 Repealed.
- 480-146-200 Repealed.
- 480-146-210 Repealed.
- 480-146-220 Repealed.
- 480-146-230 Repealed.
- 480-146-240 Application of rules.
- 480-146-250 Filing.
- 480-146-260 Commission may require additional information.
- 480-146-270 Applicant may include information by reference.
- 480-146-280 Applicant duty when information is unavailable.
- 480-146-290 Securities statements and applications.
- 480-146-300 Filing requirements for securities statements and applications.
- 480-146-310 Commission may set securities application or statement for public hearing.
- 480-146-320 Minimum time required for commission order.
- 480-146-330 Supplemental securities filings may be exempt from time limitations.
- 480-146-340 Reporting of securities transactions.
- 480-146-350 Filing of affiliated interest transactions.
- 480-146-360 Reporting of affiliated interest transactions.
- 480-146-370 Application for approval of lease of utility facilities.
- 480-146-380 Form of lease application.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-146-010 Filing. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-010, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-020 Requests, applications, and statements. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-020, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-030 General contents. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-030, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-040 Additional information. [Order R-5, § 480-146-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-050 Material incorporated by reference. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-050, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-060 Conditions for public hearing. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-060, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-070 Procedure for merger or consolidation. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-070, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-080 Form of securities application. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-080, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-090 Form of affiliated interest application. [Order R-5, § 480-146-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-091 Reporting of affiliated interest transactions. [Statutory Authority: RCW 80.01.040. 92-07-009 (Order R-369, Docket No. UT-911389), § 480-146-091, filed 3/6/92, effective 4/6/92.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-095 Form of lease application. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-028 (Order R-135, Cause No. U-79-54), § 480-146-095, filed 10/10/79.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-200 Minimum time required for commission order. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-200, filed 7/20/95, effective 8/20/95; Order R-5, § 480-

- 146-200, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-210 Supplemental filings exempt from time limitations. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-210, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-210, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-220 Waiver of time limitations. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-220, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-220, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-230 Reporting of securities transactions. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-230, filed 7/20/95, effective 8/20/95.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-146-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-146-240 Application of rules. The rules in this chapter apply to any public service company that meets the requirements for commission regulation or jurisdiction under RCW 80.04.010. The rules do not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington.

The commission may waive or modify the application of any rule to a public service company upon written request or upon the commission's own motion, except when such provisions are fixed by statute. The waiver or modification must be approved by the commission in writing. Violations of these rules will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-240, filed 4/1/99, effective 5/2/99.]

WAC 480-146-250 Filing. Any filing under this chapter must be made at the commission by mail or in person or as the commission otherwise may provide.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-250, filed 4/1/99, effective 5/2/99.]

WAC 480-146-260 Commission may require additional information. The commission may require the applicant to file or provide pertinent information in addition to that specified by statute or in this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-260, filed 4/1/99, effective 5/2/99.]

WAC 480-146-270 Applicant may include information by reference. When any information required to support an application is on file with the commission, it is sufficient for the applicant to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-270, filed 4/1/99, effective 5/2/99.]

WAC 480-146-280 Applicant duty when information is unavailable. If any required information is unavailable at the time of the application, the applicant must include with the application the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-280, filed 4/1/99, effective 5/2/99.]

WAC 480-146-290 Securities statements and applications. Any public service company that issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness must file a statement with the commission. A corporation formed by a merger or consolidation that issues securities must also file a statement with the commission. Statements must include:

(1) A description of the purposes for which the issuance is made, including a certification by an officer authorized to do so that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(2) A description of the proposed issuance including the terms of the financing; and

(3) A statement as to why the transaction is in the public interest.

Any public service company making such a filing may request from the commission a written order affirming that the public service company has complied with the requirements of RCW 80.08.040. For purposes of this chapter, a request for such an order is termed an application.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-290, filed 4/1/99, effective 5/2/99.]

WAC 480-146-300 Filing requirements for securities statements and applications. The applicant must submit all information required to comply with the requirements of RCW 80.08.040 and any additional information deemed necessary by the commission. The applicant, authorized representative, or applicant's attorney must sign and date the statement and include a certification that the information is true and correct to the signer's information and belief, under penalties of perjury as set forth in RCW 9A.72.085. When an applicant requests an order affirming compliance with RCW 80.08.040 it must submit a draft order.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-300, filed 4/1/99, effective 5/2/99.]

WAC 480-146-310 Commission may set securities application or statement for public hearing. The commission will act upon a complete, filed application or statement as promptly as possible. The commission may consider the application or statement without public hearing or can order a hearing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-310, filed 4/1/99, effective 5/2/99.]

WAC 480-146-320 Minimum time required for commission order. A public service company must submit an application, except as provided in WAC 480-146-330, at least fifteen working days prior to the requested effective date for a commission order. The fifteen day period will start once the applicant has filed with the commission all information and exhibits required by WAC 480-146-290.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-320, filed 4/1/99, effective 5/2/99.]

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WAC 480-146-330 Supplemental securities filings may be exempt from time limitations. Supplemental filings made:

(1) To comply with a previous order;

(2) To change the terms and conditions of a previous order; or

(3) To request that flaws in a previous order must be corrected are exempt from WAC 480-146-320.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-330, filed 4/1/99, effective 5/2/99.]

WAC 480-146-340 Reporting of securities transactions. (1) A public service company must file a letter with the commission outlining the final terms and conditions of the transaction, within thirty days after the issuance of any of the following:

(a) Stock;

(b) Stock certificates;

(c) Other evidence of interest or ownership;

(d) Bonds;

(e) Notes; or

(f) Other evidences of indebtedness.

(2) Every public service company, as defined in the application of rules WAC 480-146-240, that has issued securities during the prior year, must file with the commission by April 1 of each year an annual securities transaction report. At a minimum, the report must contain:

(a) A detailed description of the final agreements;

(b) A description of the use of proceeds;

(c) The level of expenses for each of the securities transactions for the year ending December 31;

(d) Information to determine the individual and collective impact on capital structure;

(e) The pro forma cost of money for the securities transactions.

(3) Any public service company that is not required to file an annual report must maintain complete records of any securities transactions as outlined in subsection (2) of this section. The commission may request any information as it determines necessary.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-340, filed 4/1/99, effective 5/2/99.]

WAC 480-146-350 Filing of affiliated interest transactions. Every public service company must file a verified copy, or a verified summary, if unwritten, of contracts or arrangements with affiliated interests before the effective date of the contract or arrangement. Verified copies of modifications or amendments to the contract or arrangements must be filed before the effective date of the modification or amendment. If the contract or arrangement is unwritten, then a public service company must file a verified summary of any amendment or modification. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the public service company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-350, filed 4/1/99, effective 5/2/99.]

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-370, filed 4/1/99, effective 5/2/99.]

WAC 480-146-360 Reporting of affiliated interest transactions. (1) Every public service company, as defined in the application of rules WAC 480-146-240, must file with the commission by June 1 of every year an annual report of all affiliated interest transactions that occurred during the period January 1 through December 31 of the preceding year.

"Affiliated interest transactions" mean contracts or arrangements between affiliated interests as defined in RCW 80.16.010.

(2) The annual report must include a corporate organization chart of the public service company and its affiliates.

(3) The annual report must contain the following information for each affiliate that had transactions with the public service company during the preceding year:

(a) A description of the products or services flowing between the public service company and any affiliated interest;

(b) A description of the pricing basis or costing method and procedures for allocating costs for such products or services rendered, and the amount and accounts charged;

(c) A description of the terms of any loans between the public service company and its affiliate and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(d) A description of the terms and maximum amount of any debt guarantees by the public service company for any affiliate and a listing of the year end debt amounts and maximum debt amounts outstanding during the year;

(e) A detailed description of the activities of the affiliates with which the public service company has transactions;

(f) A list of all common officers and directors of the affiliated interest company and the public service company along with their titles in each organization, and;

(g) Appropriate financial information for each affiliated interest company including, but not limited to, a balance sheet and income statement.

The commission may request any additional information during its review of the public service company's annual report of affiliated interest transactions.

(4) The annual report required by this section will supersede the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(5) The public service company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-146-350.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-360, filed 4/1/99, effective 5/2/99.]

WAC 480-146-370 Application for approval of lease of utility facilities. The applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

WAC 480-146-380 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION OF (insert name) FOR AN ORDER APPROVING THE LEASE OF UTILITY FACILITIES.	}	No. (Number to be inserted by Secretary of Commission)
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Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.
5. A general description of the property owned by applicant and the field of its operations.

EXHIBIT "A"

A statement by applicant certifying that the requested approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in the fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(A) Detailed income and profit-and-loss statement for the twelve months ended as of the date of the balance sheet submitted as Exhibit "B."

(B) Reconciliation of the retained earnings account for the period covered by the income and profit-and-loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property to be leased.

- 2. The historical or original cost of the property to be leased and the related accrued depreciation. (Estimated in both cases if actual amounts are not known.)
- 3. The amount of contributions in aid of construction.
- 4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts that may be pertinent to the application.

WHEREFORE, the undersigned applicant requests that the Washington Utilities and Transportation Commission make its order granting to such applicant its application.

DATED at, THIS DAY OF, 19

.....
(Applicant)
By
Title

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-380, filed 4/1/99, effective 5/2/99.]

Title 490 WAC
WORK FORCE TRAINING
AND EDUCATION
COORDINATING BOARD
ALSO VOCATIONAL
REHABILITATION
(SOCIAL AND HEALTH
SERVICES, DEPT. OF)

Chapters
490-500 Vocational rehabilitation and services for individuals with disabilities.

Chapter 490-500 WAC

VOCATIONAL REHABILITATION AND SERVICES FOR INDIVIDUALS WITH DISABILITIES

WAC

- 490-500-005 Repealed.
- 490-500-010 Repealed.
- 490-500-015 Repealed.
- 490-500-022 Repealed.
- 490-500-025 Repealed.
- 490-500-030 Repealed.
- 490-500-050 Repealed.
- 490-500-055 Repealed.
- 490-500-065 Repealed.
- 490-500-070 Repealed.
- 490-500-080 Repealed.
- 490-500-170 Repealed.

- 490-500-180 Repealed.
- 490-500-185 Repealed.
- 490-500-190 Repealed.
- 490-500-200 Repealed.
- 490-500-205 Repealed.
- 490-500-257 Repealed.
- 490-500-260 Repealed.
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- 490-500-605 Repealed.
- 490-500-615 Repealed.
- 490-500-620 Repealed.
- 490-500-622 Repealed.
- 490-500-625 Repealed.
- 490-500-627 Repealed.
- 490-500-630 Repealed.
- 490-500-635 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-500-005 Definitions. [Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-005, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-005, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-005, filed 8/29/75; Order 775, § 490-500-005, filed 3/1/73.] Repealed by 99-18-053, filed 8/27/99, effective 11/1/99. Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998.
- 490-500-010 Application for services. [Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-010, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-010, filed 8/29/75; Order 775, § 490-500-010, filed 3/1/73.] Repealed by 99-18-053, filed 8/27/99, effective 11/1/99. Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998.
- 490-500-015 Initial interview. [Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-015, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-015, filed 8/29/75; Order 775, § 490-500-015, filed 3/1/73.] Repealed by 99-18-053, filed 8/27/99, effective 11/1/99. Statutory Authority: RCW 74.29.020, 74.08.090 and chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998.
- 490-500-022 Assessment for determining eligibility and vocational rehabilitation needs. [Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-022, filed 1/25/95, effective 2/25/95.] Repealed by 99-18-