

Chapter 480-143 WAC

COMMISSION GENERAL—TRANSFERS OF PROPERTY

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 Repealed by WSR 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99.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 480-143-100 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

(4/1/99)

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. WSR 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. WSR 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. WSR 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. WSR 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 informa-

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tion and belief under penalty of perjury as set forth in RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 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 public 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. WSR 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. WSR 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. WSR 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. WSR 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 thousand 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. WSR 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. WSR 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. WSR 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-210, filed 4/1/99, effective 5/2/99.]