# Title 480 WAC

# UTILITIES AND TRANSPORTATION COMMISSION

Chapters


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**Reviser's note:** Order R-5, filed 6/6/69, was to become effective upon publication in the Washington Administrative Code. Therefore, the declared effective date of the rules as published in WAC Supplement #3 was October 9, 1969.

The following list as compiled by the utilities and transportation commission constitutes the remaining rules in effect at this time, which under the authority of RCW 34.04.050(3) will not be codified in the Washington Administrative Code. Such rules, as well as later promulgations where applicable, are on file and may be inspected in the Office of the Code Reviser, Legislative Building, Olympia, Washington 98504.

UNIFORM SYSTEM OF ACCOUNTS:

Uniform System of Accounts for Class A & B Telephone Companies
Uniform System of Accounts for Class A & B Electric Companies
Uniform System of Accounts for Class C Electric Companies
Uniform System of Accounts for Class D Electric Companies
Uniform System of Accounts for Class A & Class B Gas Companies
Uniform System of Accounts for Class C Gas Companies
Uniform System of Accounts for Class D Gas Companies
Uniform System of Accounts for Class A & Class B Water Utilities
Uniform System of Accounts for Class C Water Utilities
Uniform System of Accounts for Class D Water Utilities
Uniform System of Accounts for Railroad Companies
Uniform System of Accounts for Class I & Class II Motor Carriers of Property
Uniform System of Accounts for Class III Motor Carriers of Property
Uniform System of Accounts for Class IV Motor Carriers of Property
Uniform System of Accounts for Class I Common & Contract Motor Carriers of Passengers
Uniform System of Accounts for Class II Auto Transportation Companies
Uniform System of Accounts for Water Transportation Companies
Uniform System of Accounts for Storage Warehouses
Uniform System of Accounts for Class I Intracity Motor Carriers of Passengers
Uniform System of Accounts for Class II Intracity Motor Carriers of Passengers
Uniform System of Accounts for Pipe Line Companies
Uniform System of Accounts for Class A Garbage and Refuse Collection Companies
Uniform System of Accounts for Class B Garbage and Refuse Collection Companies

REGULATIONS GOVERNING PRESERVATION OF RECORDS:

Regulations to Govern the Preservation of Records of Electric, Gas & Water Utilities—1958 (NARUC)
Part 4. Preservation of Records of Telephone Companies—1950 (F.C.C.)

ANNUAL REPORT FORMS:

Motor Freight Carriers
- Class I
- Class II
- Class III
- Class IV
- Quarterly Form

Auto Transportation Companies (Busses):
- Class I
- Class II
- Class III
- Class IV
- Quarterly Form

Intracity Auto Transportation Companies (Busses):
- Class I
- Class II
- Class III

Passenger Charter Carriers (Busses):
- Quarterly Form

Railroads:
- Class I
- Class II

Garbage & Refuse Collection Companies:
- Class A
- Class B

Electric Railroads
Express Company
Pipe Line Companies

Storage Warehouse
Dock Companies
Certificated Boat (Passenger)
Non-Certificated Boat (Freight)
Electric Utilities:
Classes A & B
Class C
Class D
Water Utilities:
Classes A, B and C
Class D
Telephone Utilities:
Classes A & B
Gas Utilities:
Classes A & B
Classes C & D
Telegraph Utilities:
Wire-Telegraph Carriers
Miscellaneous Common Carriers:
Licensee in Domestic Public Land Mobile Radio Service

## DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

### Chapter 480-08 PROCEDURE

480-08-010 Communications. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-08-010, filed 12/23/87; Order R-43, § 480-08-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-010, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-015 Submission of "confidential" information. [Statutory Authority: RCW 80.01.040, 80.04.095 and 42.17.310. 88-01-114 (Order R-267, Cause No. U-87-1452-R), § 480-08-015, filed 12/23/87.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-020 Office hours. [Order R-5, § 480-08-020, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-030 Parties. [Order R-79, § 480-08-030, filed 12/3/75; Order R-5, § 480-08-030, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-040 Informal procedure—Applications and protests. [Order R-82, § 480-08-040, filed 6/30/76; Order R-5, § 480-08-040, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-050 Pleadings. [Statutory Authority: RCW 80.01.040. 85-09-025 (Order R-226, Cause No. U-85-07), § 480-08-050, filed 4/10/85. Statutory Authority: 1979 c 33. 79-09-017 (Order R-130, Cause No. U-79-34), § 480-08-050, filed 8/9/79; Order R-87, § 480-08-050, filed 10/20/76; Order R-5, § 480-08-050, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-055 Objections to closures of highway-railroad grade crossings. [Order R-79, § 480-08-055, filed 12/3/75.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-060 Filing and service. [Order R-5, § 480-08-060, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-070 Intervention. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-070, filed 4/19/78; Order R-5, § 480-08-070, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-080 Appearances. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-080, filed 4/19/78; Order R-79, § 480-08-080, filed 12/3/75; Order R-5, § 480-08-080, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-090 Appearance and practice before commission. [Order R-5, § 480-08-090, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-100 Prehearing conferences. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-100, filed 4/19/78; Order R-5, § 480-08-100, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-110 Voluntary settlement. [Order R-5, § 480-08-110, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-120 Subpoenas. [Order R-5, § 480-08-120, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-130 Depositions. [Order R-5, § 480-08-130, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-140 Hearings. [Order R-5, § 480-08-140, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-150 Continuances. [Order R-5, § 480-08-150, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-160 Stipulation as to facts. [Order R-5, § 480-08-160, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-170 Conduct at hearings. [Order R-5, § 480-08-170, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-180 Order of procedure. [Order R-5, § 480-08-180, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-190 Rules of evidence. [Order R-5, § 480-08-190, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-200 Exhibits and documentary evidence. [Order R-43, § 480-08-200, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-200, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-210 Modified procedure. [Order R-5, § 480-08-210, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-220 Briefs. [Order R-5, § 480-08-220, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-230 Commission proposed orders. [Order R-5, § 480-08-230, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-240 Proposed orders by examiners. [Order R-5, § 480-08-240, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-

036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-250 Rehearing or reconsideration. [Statutory Authority: RCW 80.01.040. 86-17-003 (Order R-264, Cause No. T-1979), § 480-08-250, filed 8/8/86; Order R-5, § 480-08-250, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-260 No discussion of proceeding until decision. [Order R-5, § 480-08-260, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-270 Joint hearings. [Order R-5, § 480-08-270, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-280 Administrative rulings. [Order R-5, § 480-08-280, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-290 Segregation of functions in formal proceedings. [Order R-5, § 480-08-290, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-300 Compliance with orders. [Order R-5, § 480-08-300, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-310 Computation of time. [Order R-5, § 480-08-310, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-320 Suspension of tariffs. [Order R-66, § 480-08-320, filed 5/8/74; Order R-5, § 480-08-320, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-330 General application—Special rules—Exceptions—Cancellation of former rules. [Order R-5, § 480-08-330, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

## Chapter 480-10
## RULES IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

480-10-010 Authority. [Order R-81, § 480-10-010, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 480-11 WAC.

480-10-020 Purpose. [Order R-81, § 480-10-020, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-025 Scope and coverage of this chapter. [Order R-81, § 480-10-025, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-030 Integration of SEPA procedures with other governmental operations. [Order R-81, § 480-10-030, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-040 Definitions. [Order R-81, § 480-10-040, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-050 Use of the environmental checklist form. [Order R-81, § 480-10-050, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-055 Timing of the EIS process. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order R-81, § 480-10-060, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-100 Summary of information which may be required of a private applicant. [Order R-81, § 480-10-100, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order R-81, § 480-10-150, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-160 No presumption of significance for nonexempt actions. [Order R-81, § 480-10-160, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-170 Categorical exemptions. [Order R-81, § 480-10-170, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-175 Exemptions and nonexemptions applicable to the commission. [Order R-88, § 480-10-175, filed 10/20/76; Order R-81, § 480-10-175, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-180 Exemption for emergency actions. [Order R-81, § 480-10-180, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-190 Use and effect of categorical exemptions. [Order R-81, § 480-10-190, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-200 Commission, when it is the lead agency—Responsibilities. [Order R-81, § 480-10-200, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-203 Determination of lead agency—Procedures. [Order R-81, § 480-10-203, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-205 Lead agency designation—Governmental proposals. [Order R-81, § 480-10-205, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order R-81, § 480-10-210, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order R-81, § 480-10-220, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order R-81, § 480-10-225, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-230 Lead agency designation—Specific proposals. [Order R-81, § 480-10-230, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-235 Local agency transfer of lead agency status to a state agency. [Order R-81, § 480-10-235, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-240 Agreements as to lead agency status. [Order R-81, § 480-10-240, filed 5/12/76.] Repealed by 84-21-030

(Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-245 Agreements between agencies as to division of lead agency duties. [Order R-81, § 480-10-245, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-270 Assumption of lead agency status by another agency with jurisdiction. [Order R-81, § 480-10-270, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-300 Threshold determination requirement. [Order R-81, § 480-10-300, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-305 Notice of timing for threshold determination. [Order R-81, § 480-10-305, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-310 Threshold determination procedures—Environmental checklist. [Order R-81, § 480-10-310, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-320 Threshold determination procedures—Initial review of environmental checklist. [Order R-81, § 480-10-320, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-330 Threshold determination procedures—Information in addition to checklist. [Order R-81, § 480-10-330, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-340 Threshold determination procedures—Negative declarations. [Order R-81, § 480-10-340, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-345 Assumption of lead agency status by commission—Prerequisites, effect and form of notice. [Order R-81, § 480-10-345, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-350 Affirmative threshold determination. [Order R-81, § 480-10-350, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-355 Form of declaration of significance/nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-360 Threshold determination criteria—Application of environmental checklist. [Order R-81, § 480-10-360, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-365 Environmental checklist. [Order R-81, § 480-10-365, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-370 Withdrawal of affirmative threshold determination. [Order R-81, § 480-10-370, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-375 Withdrawal of negative threshold determination. [Order R-81, § 480-10-375, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-390 Effect of threshold determination by lead agency. [Order R-81, § 480-10-390, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-400 Duty to begin preparation of a draft EIS. [Order R-81, § 480-10-400, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-405 Purpose and function of a draft EIS. [Order R-81, § 480-10-405, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-410 Predraft consultation procedures. [Order R-81, § 480-10-410, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-420 Preparation of EIS by persons outside the commission. [Order R-81, § 480-10-420, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-425 Organization and style of a draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-440 Contents of a draft EIS. [Order R-81, § 480-10-440, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Order R-81, § 480-10-442, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-444 List of elements of the environment. [Order R-81, § 480-10-444, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-446 Draft EIS—Optional additional elements—Limitation. [Order R-81, § 480-10-446, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-450 Public awareness of availability of draft EIS. [Order R-81, § 480-10-450, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-455 Circulation of the draft EIS—Review period. [Order R-81, § 480-10-455, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-460 Specific agencies to which draft EIS will be sent. [Order R-81, § 480-10-460, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-465 Agencies possessing environmental expertise. [Order R-81, § 480-10-465, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-480 Public hearing on a proposal—When required. [Order R-81, § 480-10-480, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-485 Notice of public hearing on environmental impact of the proposal. [Order R-81, § 480-10-485, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-490 Public hearing on the proposal—Use of environmental documents. [Order R-81, § 480-10-490, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-495 Preparation of amended or new draft EIS. [Order R-81, § 480-10-495, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-510 Responsibilities of commission as a consulted state agency with jurisdiction. [Order R-81, § 480-10-510, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-520 Responsibilities of commission as a consulted state agency with environmental expertise. [Order R-81, § 480-10-520, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-530 Responsibilities of commission as a consulted agency—When predraft consultation has occurred. [Order R-81, § 480-10-530, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-535 Cost of performance of commission responsibilities as a consulted agency. [Order R-81, § 480-10-535, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-540 Limitations on responses to consultation. [Order R-81, § 480-10-540, filed 5/12/76.] Repealed by 84-21-030

(Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-545 Effect of no written comment. [Order R-81, § 480-10-545, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-550 Preparation of the final EIS—Time period allowed. [Order R-81, § 480-10-550, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order R-81, § 480-10-570, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order R-81, § 480-10-580, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-600 Circulation of the final EIS. [Order R-81, § 480-10-600, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order R-81, § 480-10-650, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. [Order R-81, § 480-10-652, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-660 Use of previously prepared EIS for a different proposed action. [Order R-81, § 480-10-660, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-690 Use of commission's EIS by other acting agencies for the same proposal. [Order R-81, § 480-10-690, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-695 Draft and final supplements to a revised EIS. [Order R-81, § 480-10-695, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-700 No action for seven days after publication of the final EIS. [Order R-81, § 480-10-700, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-710 EIS combined with existing planning and review processes. [Order R-81, § 480-10-710, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-810 Responsibility of commission—Amendments to this chapter. [Order R-81, § 480-10-810, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-830 Commission SEPA public information center. [Order R-81, § 480-10-830, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-835 Regional SEPA public information centers. [Order R-81, § 480-10-835, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-840 Application of these rules to ongoing actions. [Order R-81, § 480-10-840, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

## Chapter 480-35
## LIMOUSINE CHARTER PARTY CARRIERS

480-35-010 Definitions. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-010, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-020 Licenses. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-020, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-030 Certificates. [Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-35-030, filed 7/13/93 effective 8/13/93. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-030, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-040 Applications. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-040, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-040, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-050 Liability and property damage insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-050, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-060 Self-insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-060, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-070 Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-070, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-080 Operation of motor vehicles. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-080, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-080, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-090 Equipment—Safety. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-090, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-090, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-100 Registered carriers. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-100, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-100, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-110 Registration of interstate authority. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-110, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-110, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective

1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-120 Identification decals—Intrastate limousine charter party carrier operations. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-120, filed 6/23/94, effective 7/24/94; 90-17-047 (Order R-326, Docket No. TL-900359), § 480-35-120, filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-120, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

## Chapter 480-50
## PASSENGER AND FERRY STEAMBOAT COMPANIES

480-50-010 Definitions. [Statutory Authority: RCW 80.01.040. 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-010, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-010, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-020 General operation. [Order R-5, § 480-50-020, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040 (4).

480-50-030 Applications. [Order R-50, § 480-50-030, filed 8/8/73; Order R-5, § 480-50-030, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-035 Notice of application; protests; contemporaneous applications. [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), § 480-50-035, filed 10/30/91, effective 11/30/91.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-040 Tariffs. [Statutory Authority: RCW 80.01.040. 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-040, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-040, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-050 Freight classification. [Order R-5, § 480-50-050, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040 (4).

480-50-060 Time schedules. [Order R-5, § 480-50-060, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-070 Suspension of service. [Order R-5, § 480-50-070, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-080 Accounts. [Order R-5, § 480-50-080, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-090 Annual reports. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-50-090, filed 12/15/89, effective 1/15/90; Order R-5, § 480-50-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-100 Fees. [Order R-5, § 480-50-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-110 Discontinuance. [Order R-5, § 480-50-110, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-120 Failure. [Order R-5, § 480-50-120, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-130 Cancellation. [Order R-5, § 480-50-130, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-140 General. [Order R-5, § 480-50-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

## Chapter 480-63
## RAILROAD COMPANIES—WEIGHING

480-63-010 Scales must be balanced. [Order R-5, § 480-63-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-020 Uncoupling and spotting cars. [Order R-5, § 480-63-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-030 Tare weights. [Order R-5, § 480-63-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-040 Weighing of empty cars. [Order R-5, § 480-63-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-050 Long cars and over scale capacity cars. [Order R-5, § 480-63-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-060 Double and triple loads. [Order R-5, § 480-63-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-070 Foreign matter on cars. [Order R-5, § 480-63-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-080 Care of scale. [Order R-5, § 480-63-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-090 Commission inspection and testing. [Order R-5, § 480-63-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

## Chapter 480-69
## RAILROAD COMPANIES—TRACK SCALES

480-69-010 Track scales—Approval and seal. [Order R-5, § 480-69-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-020 Track scales—Testing. [Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-030 Track scales—Tolerances. [Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-040 Track scales—Approved. [Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-050 Track scales—Condemned. [Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-060 Track scales—New installations—Specifications. [Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-070 Track scales—New installations—Testing. [Order R-5, § 480-69-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-080 Track scales—Test cars. [Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-090 Track scales—Repairs. [Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-100 Track scales—Approach rails. [Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-110 Track scales—Scale pits. [Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

## Chapter 480-95
## HEAT SUPPLIERS

480-95-010 Application of rules. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-010, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-020 Definitions. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-020, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-030 Permit required. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-030, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-040 Operation under trade name. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-040, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-050 Application for permit. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-050, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-060 Notice of applications. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-060, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-070 Procedure before commission. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-070, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-080 Sale, lease, or transfer of permit. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-080, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-090 Duplicate permits. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-090, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-100 Contracts. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-100, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-110 Fees. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-110, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-120 Complaints. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-120, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-125 Exemptions. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-125, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

## Chapter 480-105
## ELECTRIC COMPANIES—
## INTERCONNECTION WITH ELECTRIC COGENERATION AND SMALL POWER PRODUCTION FACILITIES

480-105-001 Purpose. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-001, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-005 Application of rules. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-005, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-010 Definitions. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-010, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-020 Obligations of qualifying facilities to electric utility. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-020, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-030 Availability of electric utility system cost data. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-030, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-040 Obligations of electric utility to qualifying facilities. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-040, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-050 Rates for purchases. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-050, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed

7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-060 Rates for sales. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-060, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-070 Interconnection costs. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-070, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-080 System emergencies. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-080, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

## Chapter 480-130
## STORAGE WAREHOUSE COMPANIES

480-130-010 No operation without license. [Order R-5, § 480-130-010, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-020 Qualifications for license. [Order R-5, § 480-130-020, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-030 Applications for storage warehouse license. [Order R-5, § 480-130-030, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-040 Tariffs. [Order R-5, § 480-130-040, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-050 Warehouse receipts—Liability. [Statutory Authority: RCW 81.92.090. 79-11-027 (Order R-134, Cause No. TSW-1272), § 480-130-050, filed 10/10/79; Order R-5, § 480-130-050, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-060 Household goods—Definition. [Order R-5, § 480-130-060, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-070 General merchandise—Definition. [Order R-5, § 480-130-070, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-080 Insurance. [Order R-5, § 480-130-080, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-090 License cancelled. [Order R-5, § 480-130-090, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-100 License fees, term, posting, authority, fees forfeited. [Order R-5, § 480-130-100, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-110 Use of new buildings, or discontinuance. [Order R-5, § 480-130-110, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-120 Transfer of ownership. [Order R-5, § 480-130-120, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-130 Accounts. [Order R-62, § 480-130-130, filed 12/19/73; Order R-5, § 480-130-130, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-140 Advertising. [Order R-5, § 480-130-140, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-150 Waiver of rules. [Order R-5, § 480-130-150, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-160 Documents—When filed. [Order R-5, § 480-130-160, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-170 Conflict with tariff rules—Enforcement warehousemen's lien—Transfers of property—Affiliated interests. [Order R-5, § 480-130-170, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-180 Rebates. [Order R-5, § 480-130-180, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

## Chapter 480-150
## COMPLIANCE WITH ECONOMIC STABILIZATION ACT OF 1970 AS AMENDED

480-150-010 Preamble. [Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-020 Definitions. [Order R-38, § 480-150-020, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-030 Criteria applicable. [Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-040 Effect on pending matters. [Order R-38, § 480-150-040, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-050 Future filings or petitions. [Order R-38, § 480-150-050, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-060 Exemptions. [Order R-38, § 480-150-060, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-070 Filing with Federal Price Commission. [Order R-38, § 480-150-070, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-080 Public notice. [Order R-38, § 480-150-080, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-090 Construction. [Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

# Chapter 480-04 WAC
# PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

480-04-020 Definitions.
480-04-030 Organization of the Washington utilities and transportation commission.
480-04-050 Public information; public submissions or requests other than requests for public documents.
480-04-060 Public records available; hours for inspection and copying.
480-04-065 Records index.
480-04-070 Public records officer.

480-04-090 Requests for public records.
480-04-095 Disclosure procedure.
480-04-100 Copying and service charges.
480-04-110 Information for commercial purposes.
480-04-120 Review of denials of public records requests.
480-04-130 Protection of public records.

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

480-04-010 Purpose. [Order R-43, § 480-04-010, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.

480-04-040 Public information available. [Order R-43, § 480-04-040, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.

480-04-080 Office hours. [Order R-43, § 480-04-080, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.

**WAC 480-04-020 Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation. "Writing" includes letters; words; pictures; sounds; symbols; telefacsimile copies; papers; maps; magnetic or paper tapes; photographic films and prints; magnetic or punched cards; diskettes; drums; and other documents.

(3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor under RCW 80.01.010.

Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(4) Secretary. "Secretary" means the secretary of the commission. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(5) You. The word "you" in this chapter means a person who requests access to public records.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-020, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-020, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-020, filed 4/5/73.]

**WAC 480-04-030 Organization of the Washington utilities and transportation commission.** (1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

(2) The administrative office of the commission, also known as the headquarters office, is located at 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Its mailing address is Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250. Its telephone number is (360) 753-6423. The commission maintains no other offices.

(3) The commission is organized into the following principal parts: Regulatory services division; administrative services division; policy planning and research section; public affairs section; and legal, accounting, and policy development section. The head of each section or division is responsible directly to the commissioners.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-030, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 94-11-002 (Order R-412, Docket No. TV-940121), § 480-04-030, filed 5/4/94, effective 6/4/94; 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-030, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 (1) and (4). 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-030, filed 3/4/81; Order R-43, § 480-04-030, filed 4/5/73.]

**WAC 480-04-050 Public information; public submissions or requests other than requests for public documents.** (1) General information concerning topics within the commission's jurisdiction is available through the commission's administrative office, and on the commission's internet home page. The home page address at the time this rule is adopted is <http:\www.wutc.wa.gov>.

(2) Anyone may request information from the commission administrative office, concerning whether a common or contract carrier of solid waste or household goods currently has operating authority; the scope of that authority; and the carriers' current tariffs.

(3) Written requests for information should be submitted to the office of the secretary of the commission.

(4) Requests for information may also be made by telephone or electronic mail. The commission will do its best to route the inquiry to staff who can assist the requester.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-050, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-050, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-050, filed 4/5/73.]

**WAC 480-04-060 Public records available; hours for inspection and copying.** (1) Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095 (records containing commercial information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying.

(2) The commission shall act promptly on requests for inspection and copying.

(3) The commission will respond in accordance with these rules to requests received by mail for identifiable public records.

(4) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-060, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-

368, Docket No. A-910530), § 480-04-060, filed 3/5/92, effective 4/5/92. Order R-43, § 480-04-060, filed 4/5/73.]

**WAC 480-04-065 Records index.** The commission will publish and index its significant adjudicative decisions; declaratory orders; interpretive statements; and policy statements.

(1) Each month, the commission will publish and make available to subscribers its adjudicative orders entered the prior month which resolve contested issues or which it believes will be of interest or significance. Each publication will include declaratory orders and; interpretive and policy statements; and will include a summary of the decisions, orders, and statements.

(2) The commission will annually publish indices of the principles which are applied in the text of published orders and statements entered during the prior year.

(3) The publications will be available for sale at the commission's estimated actual cost of reproduction and distribution. They will also be available for inspection during office hours in the commission branch of the Washington state library, at the commission's office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-065, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-065, filed 3/5/92 effective 4/5/92.]

**WAC 480-04-070 Public records officer.** The secretary of the commission is the commission's public records officer for all records maintained by the commission. The secretary's office is located in the commission's administrative office. The public records officer is responsible for implementing the commission's rules about release of public records; coordinating the staff of the commission in this regard; and for compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-070, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-070, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-070, filed 4/5/73.]

**WAC 480-04-090 Requests for public records.** (1) Many requests for public records can be handled quickly and informally. You may ask to look at a document, or get a copy of a document. You may ask orally, in person or by telephone. You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to <records@wutc.wa.gov>. Commission staff will advise you if a written request is required.

(2) The commission normally requires a written request.

(a) If you ask for large quantities of information, or have a list or an unusual request, the commission may need a written record to make sure that you get all the information you have requested, or to make sure that the charges are proper.

(b) If the information that you want might be within one of the exceptions to the law requiring disclosure, the commission may need a written request to make sure that the decision is made properly, by the right person, and that you get the response you are entitled to. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

(3) If you need to make a written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's office or you can ask to have it sent to you.

(4) You should take or send written requests for documents to the secretary of the commission. You may give the request to the receptionist or to any other available commission staff member; except that a request for a record which has been designated as confidential under the provisions of RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as required by WAC 480-09-015(5).

(5) A request shall include the following information:

(a) Your name and address.

(b) When you are making the request.

(c) For whom (the individual, business, or other organization) you are making the request, if not only for yourself personally.

(d) A clear indication (such as in a heading or title) that you are requesting public records, to help make sure that the request is handled properly.

(e) Whether you want to inspect the document or get a copy of it, or both.

(f) A description of the record you want that is clear enough that commission staff can find the record. If you know how it is described in the index maintained by the commission, that would be helpful in identifying it.

(g) A statement of whether a purpose of the request is to obtain a list of individuals to be used for commercial purposes.

(6) Commission staff will make a reasonable effort to assist in identifying and providing the public record.

(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-090, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-090, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-090, filed 4/5/73.]

**WAC 480-04-095 Disclosure procedure.** (1) The secretary will promptly notify you if commission staff finds that the request is incomplete, and will tell you what the problem is. The secretary will assist you in completing or correcting your request. Notifying you of a deficiency is not a denial of your request. The secretary may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the secretary will review the requested record to determine whether the record or a portion of it is exempt from disclosure under any provision of law. The review shall also determine whether any of

the requested records include confidential information, as defined in pertinent law.

(3) To the extent required to protect the personal privacy interests protected by RCW 42.17.310 and 42.17.315, the commission will delete identifying details from a public record when it makes the record available or publishes it. Whenever that happens, the commission will explain the reasons for the deletion.

(4) Only the secretary is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the secretary, is a deferral of action, and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document together with the written request to the secretary for a prompt decision granting or denying the request.

(5) If the secretary refuses to grant access to all or part of a public record, the secretary shall give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) **Records containing "confidential information."**

(a) If a requested record contains information that has been designated confidential under RCW 80.04.095 and WAC 480-09-015, and you have not specifically asked for confidential information, the secretary shall tell you that material has been designated confidential, and make sure that you do want the confidential information, before processing the request.

(b) A request for a record designated as confidential under RCW 80.04.095 and WAC 480-09-015 shall be processed in accordance with the provisions of WAC 480-09-015.

(7) After receiving the secretary's written explanation for nondisclosure under this rule, if you still want disclosure you may request a review under WAC 480-04-120.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-095, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-095, filed 3/5/92, effective 4/5/92.]

**WAC 480-04-100 Copying and service charges.** The commission will provide copies of public records upon request.

(1) The commission shall charge a published fee for copying and providing information. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) Except as provided in WAC 480-09-125 for producing for internal distribution, copies that parties to a proceeding have failed to file, the charges for services at the time this rule is adopted are as follows:

(a) Photocopies, fifteen cents per page for fifty-one or more copies.

(b) Certified copies, three dollars per certified sheet.

(c) Telefacsimile (FAX) transmissions, fifty cents per page, for transmissions of six or more pages.

(d) Computer lists or printouts, fifty cents per page for six or more pages.

(e) Computer data copied onto floppy diskettes shall cost five dollars per diskette.

(f) Audio tapes, five dollars each.

(g) Video tapes, five dollars each.

(h) Color copies, one dollar per page.

(i) No charge is made for documents provided by electronic mail.

(3) Sales tax, at the current rate, shall be added to the price of each item.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-100, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 91-07-025 (Order R-340, Docket No. A-900424), § 480-04-100, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 80.01.040 (1) and (4). 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-100, filed 3/4/81. Statutory Authority: RCW 42.17.300. 78-02-020 (Order R-112), § 480-04-100, filed 1/11/78; Order R-43, § 480-04-100, filed 4/5/73.]

**WAC 480-04-110 Information for commercial purposes.** Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-110, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-110, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-110, filed 4/5/73.]

**WAC 480-04-120 Review of denials of public records requests.** (1) If you are denied disclosure of a public document and disagree with the denial you may ask the secretary, in writing, for a review of the denial. The request for review must describe or enclose the secretary's written statement explaining the reasons for the denial.

(2) A request for review must be made in writing. It may be made in person at the commission's administrative office or by mail or electronic mail.

(3) Promptly after receiving a written request for review the secretary shall review the decision. He or she may personally reconsider the denial decision, or may refer the request to the commission for review at a commission meeting.

(4) The commission's review of a decision denying disclosure is final at the end of the second business day following the secretary's initial denial decision, unless the commission provides a revised decision to you during that period. This does not prevent the commission from reversing a denial after the end of the second business day following the initial denial decision.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-120, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-120, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-120, filed 4/5/73.]

**WAC 480-04-130 Protection of public records.** (1) Only commission staff may copy public documents unless the secretary decides that copying by others will not disrupt commission administration or pose any risk to the integrity and safety of the documents.

(2) No person may take any document from the area designated by the secretary for the public inspection of documents unless the secretary authorizes doing so.

(3) When a member of the public asks to examine an entire file or group of documents, as distinguished from specific documents that can be individually identified and supplied, the commission may take a reasonable time for inspection to remove any material designated as confidential and any information protected from disclosure by RCW 42.17.-310 or other provision of law.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-130, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-130, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-130, filed 4/5/73.]

## Chapter 480-09 WAC
## PROCEDURE

WAC


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### 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 480-09-015 Submission of "confidential" information.** (1) General.

The commission will provide special handling and limited access to confidential information properly submitted pursuant to this section. Nothing in this rule shall foreclose the entry and enforcement of protective orders in specific cases.

(2) Designated official.

The secretary of the commission is responsible for the implementation of this rule.

(3) Definitions.

"Confidential information." As used in this rule, confidential information consists of and is limited to information filed with or provided to the commission or its staff which is protected from inspection or copying under chapter 42.17 RCW or RCW 80.04.095. In the absence of a challenge, information designated as confidential under this rule will be presumed to meet this definition. In the event of a challenge, the burden of proving that the statutory definition applies is on the party asserting confidentiality.

"Provider." Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule.

"Requester." Any person who submits a data request in an adjudicative proceeding or a request for public documents under the State Public Disclosure Law.

(4) How to seek protection under this rule.

A provider may claim the protection of this rule only by strict compliance with the following requirements:

(a) The claim of confidentiality must be submitted in writing on a form provided by the secretary or in a letter providing equivalent supporting information. The provider must identify any person (other than the provider itself) which might be directly affected by disclosure of the confidential information.

(b) The confidential information must be clearly marked "confidential." Marking must include the first page of a multi-page document and each specific page which contains allegedly confidential information.

(c) The confidential information must be sealed in an envelope or similar wrapping which is clearly marked "confidential."

(d) If the confidential information is submitted under the provisions of a protective order, said order must be cited in the form or letter claiming confidentiality. The "confidential" mark should indicate "Confidential per Protective Order in WUTC Docket No. . . . ."

(5) Requests for "confidential information."

Information designated confidential will be released upon a request properly filed under the following requirements.

(a) The requester shall submit a written request to the secretary on a form provided by the commission or in a letter containing equivalent supporting information. The request must, at a minimum, identify the requester by name, address, any organization represented, and whether the information sought is to be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the secretary to readily identify the documents or other material which contains the information requested. Upon receipt of a request for confidential information, the secretary will notify the requester of any deficiency which has been identified in the request. It will be the responsibility of the requester to correct the request and resubmit same pursuant to this rule. No action will be taken pending resubmission.

(c) The requester shall commit to prepayment of copying fees designated by the secretary.

(6) Informal resolution.

When the secretary finds that the request may be satisfied without disclosing confidential information, the secretary will attempt to facilitate an informal resolution.

(7) Release of information.

Any information alleged to be exempt from inspection and copying pursuant to RCW 80.04.095, shall be released only upon notice to the provider and any person identified by the provider as one who might be directly affected by release of the information so as to allow invocation of the statutory procedures for securing a court order protecting the records as confidential. Such notice shall be given not more than two days following location of the materials requested, and determination that they contain information claimed to be confidential. Notice will be given in writing, either by first class mail or by transmission of a copy of the request by electronic facsimile. Notice by mail shall be deemed complete in accordance with WAC 480-09-120(2), and facsimile shall be deemed complete when transmission is complete. A copy of the notice will be forwarded concurrently to the requester.

If the provider consents to the release of the information, in writing or facsimile, or does not restrain disclosure by way of court order within ten days following notice, the information shall thereupon be deemed public, shall be so designated in the files of the commission, and shall promptly be released to the requester. The foregoing shall not apply if the request is withdrawn or modified so as to exclude confidential material, or if the requester agrees in writing to the satisfaction of the provider to be bound by a pre-existing and effective protective order.

(8) Judicial intervention.

The commission need not assist any person in seeking or resisting judicial intervention, but reserves the right to participate in any such proceeding as its interest may appear.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-015, 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), § 480-09-015, filed 10/12/89, effective 11/12/89.]

**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 480-09-110 Office hours.** Commission offices are open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except on state holidays.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-110, filed 10/12/89, effective 11/12/89.]

**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 prefiled 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 version 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.]

**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 480-09-300 Filing requirements—Statement of policy.** Statement of policy. The commission establishes the requirements of WAC 480-09-300 through 480-09-335 for filings relating to general rate increases by electric, natural gas, telecommunications, low-level radioactive waste sites, and solid waste collection companies subject to its jurisdiction. Requirements as to the form and content of filings will standardize presentations, clarify issues, and speed and simplify the processing of rate filings.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-300, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-300, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-300, filed 10/12/89, effective 11/12/89.]

**WAC 480-09-310 Filing requirements—Definition.** (1) For the purposes of WAC 480-09-300 through 480-09-335 only, a general rate increase filing is the request by any company regulated by the commission under Title 80 and chapters 81.77 and 81.108 RCW for an increase in rates which meets one or more of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs are restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or capital structure.

(d) The company is regulated under chapter 81.77 RCW, except those companies that provide specific kinds of industrial waste collection services, including but not limited to hazardous and chemical waste, sludge wastes, and other industrial waste.

(2) The following proceedings shall not be considered general rate increases for companies regulated under Title 80 RCW even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations: Periodic rate adjustments for electric utilities as may be authorized by the commission; natural gas tracking increases; emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly increasing a public service expense; rate increases designed to recover governmentally-imposed increases in costs of doing business such as changes in tax laws or ordinances; or other increases designed to recover increased expenses arising on short notice and beyond the public service company's control.

(3) The following proceedings shall not be considered general rate increases for companies regulated under chapter 81.77 RCW even though the request may increase the company's gross annual revenue from Washington regulated operations: Tariff item 230 - disposal fee pass through for drop-box service only provided there are no affiliated interest relationships; filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on current year customer count either as a specified dollar amount or percentage fee amount; and, for the implementation of new collection programs.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-310, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-310, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-310, filed 10/12/89, effective 11/12/89.]

**WAC 480-09-320 Filing requirements—Master service.** The commission will maintain a master service list for each adjudication on which a hearing is held. The list will contain the name and address of each party to the proceeding.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-320, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-320, filed 10/12/89, effective 11/12/89.]

**WAC 480-09-330 Filing requirements—General rate increases.** General rate increase filings for utility companies shall include, at a minimum, the following information:

(1) Twenty copies of all testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held.

(a) The filing shall also include three copies of supporting work papers. If the testimony, exhibits or work papers refer to a document, including but not limited to a report, study analysis, survey, article or decision, that document shall be provided as a work paper unless it is a reported court or agency decision, in which case the reporter citation shall be provided in the testimony. If the document is voluminous it need not be provided with the filing but shall be made available upon request.

(b) The filing shall also include one copy of the testimony, exhibits, and work papers, in an electronic format or formats authorized by the secretary of the commission for the filing, for use in IBM-compatible computers. Material that has not been produced under the company's direction and control and is not available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format.

(c) The filing shall also include three copies of the tariff sheets in legislative format, striking through any material that is to be deleted or replaced and underlining any material to be inserted.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, etc. If the company proposes to calculate an adjustment in a manner differing from the method that the commission most recently accepted or authorized for the company, it shall also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change. Acceptance of a settlement does not constitute acceptance of underlying methodology unless the order accepting the settlement does so specifically.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and measurable changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, annualized, as applicable. In presenting the following information, the company shall itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. It shall include in its rate change percentage and revenue change calculations any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period units of revenue.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue change in percentage, in total and by major customer class.

(d) Requested revenue change in dollars, in total and by major customer class.

(e) Requested rate change in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) Contemporary with its filing, the company shall mail the summary document required in subsection (3) of this section to public counsel and to all intervenors on the commission's master service list for the company's most recent general rate case and all intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits and the accompanying work papers, diskettes, and publications specified in this rule are available from the company upon request or stating that they have been provided. This provision does not create a right to notice in persons named to receive the summary. Prior to entry of a protective order, the disclosing party may withhold any confidential material in its evidence or supporting material unless the requesting party provides a guarantee of confidentiality that is satisfactory to the disclosing party.

This provision is not intended to discourage the sharing of information at any earlier stage, and any material specified herein that has previously been provided to a person identified in this subsection need not be duplicated.

(5) The most recent annual report to shareholders, if any, and any subsequent quarterly reports to shareholders; the most recent FERC Form 1, if applicable; and for the most recent two years prior to the filing date, supply the company's Form 10Ks, Form 100s, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-330, filed 1/3/96, effective 2/3/96; 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-330, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-330, filed 10/12/89, effective 11/12/89.]

**WAC 480-09-335 Filing requirements—General rate increases solid waste collection companies.** General rate increase filings by class A and B haulers as defined in WAC 480-70-350 shall include at the time of the filing, at least the following information:

(1) Two copies of the proposed tariff, a copy of every local government ordinance related to the request, and a copy of the customer notices issued in compliance with the provisions of WAC 480-149-120 and a transmittal letter prepared in compliance with the provisions of WAC 480-149-120 and 480-70-240.

(2) All supporting work papers for the test period, which is the most recent, or most appropriate, consecutive twelve-month period, for which financial data is available. Work papers are to include:

(a) A detailed pro forma income statement separated between solid waste, single family residential recycling, multifamily recycling, and yard waste with restating actual and pro forma adjustments, as defined in WAC 480-09-330(2), including all supporting calculations and documentation for all adjustments.

(b) A calculation of the revenue impact of proposed tariff revisions.

(c) An income statement listing all revenue and expense accounts by month.

(d) If nonregulated revenue represents more than ten percent of total company test period revenue, a detailed separation of all revenue and expenses between regulated and nonregulated operations.

(e) A detailed list of all nonregulated operations, including the rates charged for the services rendered. Copies of all contracts shall be provided upon request.

(f) Detailed price-out information which reconciles within five percent, without adjustment, to the test period booked revenue including the test period customer count by tariff item.

(g) A consolidated balance sheet, including the percentage of equity and the percentage of debt and the cost of that debt by component.

(h) A detailed depreciation schedule listing all used and useful assets held by the company during the test period, including the date of purchase, the cost at purchase, the depreciable life, the salvage value, depreciation expense, and accumulated depreciation expense at the end of the test period.

(i) Computed average investment. Average investment is the net book value of allowable assets at the beginning of the test period plus the net book value of allowable assets at the end of the test period, divided by two. Investor supplied working capital may be included, provided a work sheet is submitted detailing the calculations.

(j) Information about every affiliated interest transaction directly or indirectly affecting the proposed rates. This shall include: A full description of the relationship; terms and amount of the transaction; the length of time the relationship has been ongoing; and, an income statement and balance sheet for every affiliated entity.

(3) The most recent consolidated annual report to shareholders, if any.

(4) All class A haulers shall submit a completed cost of service study, using a format prescribed by commission staff, with the first general rate increase request following the effective date of this rule. If additional rate increase requests are filed in the two years following a filing in which a cost of service study was provided, then a new study will not be required. When the general rate increase filing is for a curbside yard waste or recycling program, a cost of service study will not be required.

[Statutory Authority: RCW 80.01.040. 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-335, filed 11/30/92, effective 12/31/92.]

**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 service 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 standards 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 prehearing conference, whichever occurs first; or petition orally for leave to intervene at the time of the initial hearing or prehearing 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 matter 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 480-09-450 Interpreters.** It is commission policy that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and that they have the opportunity for full and equal participation in adjudicative proceedings. In keeping with this policy, the commission incorporates by reference in its rules WAC 10-08-150 of the office of administrative hearings model rules of procedure governing interpreters.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-450, 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 provide 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 480-09-480 Methods for obtaining data in adjudicative proceedings.** (1) Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and

records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: Provided, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company, a solid waste company, a low-level radioactive waste disposal site, or a segment of the transportation industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

(3) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: Provided, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in subsection (6)(a)(vi) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Record requisition. A request for data made on the record during a hearing session or during a deposition.

(e) Bench request. A request for data made by or on behalf of the presiding officer.

(f) Depositions. Depositions are described in subsection (6)(b) of this section.

(4) When available. The requests for data and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(5) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved. In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. Disputes arising from use of the procedures in this section will be heard at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the record or by written order. Discovery rulings are subject to review under WAC 480-09-760.

(6) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests, record requisitions, and bench requests.

(i) In the absence of a different determination at a prehearing conference or agreement by the affected parties, requesting parties shall group data requests by subject or witness; and shall group requests into packages of reasonable numbers; shall present groups of more than five pages of requests or answers in an electronic format agreed by the parties when the presenting party has the capability of doing so or shall make no more than one request per page. A person believing the meaning or scope of a request to be unclear shall initiate a clarification call to the requesting party.

(ii) Each request or group of requests shall be signed by counsel for the requesting party. The signature constitutes a certification that the request complies with the standards of CR 26(g) and that no request made therein substantially duplicates a request previously made by the requesting party to the same party in the same proceeding, unless the duplication is reasonably necessary and the reason for duplication is clearly stated. Voluntary coordination of requests among parties of similar interests is encouraged. For good cause, limitation may be established at a prehearing conference as to the number of data requests that may be submitted without a certification that the submitting party has coordinated with other parties of similar interest and no substantial duplication exists with other parties' submissions.

(iii) Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. The commission encourages parties to agree to exchange data in electronic format on diskette or via modem, e-mail, internet, bulletin board, or other electronic means that is mutually acceptable. Such electronic exchange may enhance efforts to coordinate discovery and to prevent duplications. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection.

(iv) Each party shall number its data requests sequentially as submitted. Record requisitions and bench requests shall each be described on the record and consecutively numbered.

(v) Responses. Responses to data requests and record requisitions shall be sent to the requesting party and to any other party who shall have requested a copy, so long as responses are consistent with the terms of any protective order which may be entered in the proceeding. The commission staff copy shall be sent to the assistant attorney general representing the commission staff unless the attorney requests an alternative method. Written responses to bench requests shall be served on all parties and filed with the com-

mission in the same manner and quantity as pre-distributed exhibits. Objections to data requests shall be presented to the requesting party no later than the time responses are due.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. Responses to record requisitions and bench requests shall be submitted within ten days, excluding weekends and holidays, after the transcript is delivered to the commission unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties of the expected difficulties immediately.

No response to a data request, bench request, or record requisition shall be considered or treated as evidence until it is entered into the record.

(vi) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions may be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days' notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia unless the parties and the commission agree to another venue. Should all parties request or consent to participation by an administrative law judge in the deposition, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: Provided, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in subsection (6)(a)(vi) of this section. The deposition will be recorded by a court reporter provided by the commission or by the party requesting the deposition. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence. The portions proposed to be offered shall be distributed as other predistributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

(C) Corrections in the deposition transcript may be made only by motion filed within ten days after delivery of the transcript. Corrections will be allowed only to correct transcription errors and not to modify testimony, provided that a witness has the duty to supplement her or his response immediately, upon learning that the prior response was incorrect when made or upon learning that a response, correct when made, is no longer correct.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition for the purpose of offering a complete picture of the witness' testimony. Offers for other purposes, as for impeachment or to eliminate the need to repeat questions and answers, may be made at any time. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(7) Procedure for resolving disputes. Disputes arising from use of the procedures in this section may be raised at a prehearing conference. At the option of the aggrieved party, disputes may be brought on by motion and will be heard at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the records or by written order. Discovery rulings are subject to review under WAC 480-09-760.

Motions shall be timely filed. Responses to a motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by the commission or the presiding

officer to the extent necessary to conform to the commission's hearing schedule.

Alternate dispute resolution for discovery disputes. At the request or with the consent of the disputants, the commission may assign a commissioner, a member of the commission advisory staff or another person to assist the parties in resolving the issue. If the designated person finds that the parties fail to agree, the commission will allow each party no less than one nor more than five days to present brief simultaneous written statements of position and will resolve the dispute upon the written statements by letter of the secretary.

If a party fails or refuses to comply with a commission order or an administrative law judge's order that is not reviewed resolving a dispute under this section, or a letter from the secretary resolving such a dispute, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-480, filed 1/3/96, effective 2/3/96; 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-480, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-480, 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), § 480-09-480, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-18-009 (Order R-308, Docket No. U-89-2748-R), § 480-09-480, filed 8/25/89, effective 9/25/89.]

**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 480-09-520 Formal investigation and fact-finding.** (1) Pursuant to RCW 80.36.145, the commission finds that it is in the public interest to employ an abbreviated proceeding for certain petitions for competitive classification under RCW 80.36.320 and 80.36.330.

(2) The commission will institute an abbreviated proceeding on its own motion or at the request of petitioner filing for competitive classification under RCW 80.36.320 or 80.36.330 where it is apparent on the face of the petition that no substantial issues of controversy are presented. The commission will invoke this rule by means of a notice of formal investigation and fact-finding. The notice will call for written requests to intervene, and advise all interested persons that no hearing is contemplated other than possible hearings for public testimony.

(3) Upon the filing of a request to intervene, the commission will take objections, if any, and determine whether the proceeding qualifies for an abbreviated proceeding. A proceeding in which an intervenor proposes to participate through written submissions and data exchanges will be presumed to fall outside the scope of this rule. At any time, by written notice, the commission may convert an abbreviated proceeding into a formal adjudicative proceeding.

(4) The procedures set forth in WAC 480-09-480 will not apply in proceedings brought under this section. Informal exchange of data is the form of discovery that will apply to proceedings authorized by this rule. If such discovery is not sufficient to meet the needs of the parties, the proceeding will be converted to a formal adjudicative proceeding. The "protective order" process referenced in WAC 480-09-015 will not be available in an abbreviated proceeding. If a claim of "confidentiality" is made, the proceeding will be converted to a formal adjudicative proceeding.

(5) The formal record will be limited to written submissions by the parties. Confidential material will not be accepted. The commission will designate in the notice of investigation the number and method of rounds of written submissions necessary to develop the facts relevant to the proceeding. At a minimum, petitioners and respondents wishing to obtain classification will file one original and nineteen legible, double-sided copies of the completed petition form provided by the commission upon request, together with prefiled testimony and exhibits supporting the petition. The party with the burden of proof will always have the opportunity to file a written reply. Upon conclusion of the investigation the commission will enter an order, containing findings of fact and conclusions of law, disposing of the petition.

[Statutory Authority: RCW 80.01.040. 91-07-024 (Order R-338, Docket No. UT-901533), § 480-09-520, filed 3/14/91, effective 4/14/91.]

**WAC 480-09-530 Petitions for enforcement of interconnection agreements.** (1) **Petitions for enforcement.** A telecommunications company that is party to an interconnection agreement with another telecommunications company may petition under this rule for enforcement of the agreement.

(a) **What the petition must contain.** Each petition for enforcement must contain the following elements:

(i) A statement, including specific facts, demonstrating that the petitioner engaged in good faith negotiations to resolve the disagreement, and that despite those negotiations the parties failed to resolve the issue.

(ii) A copy of the provision of the interconnection agreement that the petitioner contends is not being complied with.

(iii) A description of facts demonstrating failure to comply with the agreement. The description must be supported by one or more affidavits, declarations or other sworn statements, made by persons having personal knowledge of the relevant facts.

(b) **How to serve the petition.** The petitioner must serve the petition for enforcement on the responding party on the

same day the petition is filed with the commission. For purposes of this section, service must be effected on:

(i) The responding party's authorized representative, attorney of record or designated agent for service of process;

(ii) The responding party's representatives with whom the petitioner conducted the negotiations addressed in (a)(i) of this subsection; and

(iii) All parties designated in the interconnection agreement to receive notices.

If the petitioner chooses to serve the respondent by mail or parcel delivery service, it must deliver, a copy of the petition for enforcement and all supporting documents by hand delivery, telefacsimile, or electronic mail (to the e-mail address specified by the recipient for the purpose of receiving a copy of the petition) to the responding party's attorney of record, or if the party has no attorney, to the responding party, on the same day as filed with the commission.

(c) At least ten days prior to filing a petition for enforcement at the commission, the petitioner must give written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify the contract provision the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. Service of the written notice must be accomplished in the same manner as set forth in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement.

(2) **Answering a petition.** The respondent may answer the petition. The respondent waives the opportunity to present any matter that is not raised in the answer, except that the answer may be amended under subsection (3) of this section.

(a) **Contents of the answer.** The answer to a petition for enforcement must respond to each allegation of failure to comply with the terms of the interconnection agreement, stating relevant facts. Any facts relied upon must be supported by affidavits, declarations or other sworn statements by persons having personal knowledge of the facts.

(b) **Filing and service of the answer.** The respondent must file the answer with the commission and serve it on the petitioner within five business days after service of the petition for enforcement. Service must be accomplished so that a copy of the response to the petition for enforcement and all supporting documents must reach the petitioner's attorney, or the person who signed the petition, if petitioner has no attorney, on the same day the answer is filed with the commission. If the respondent chooses to serve the petitioner by mail, a copy of the petition for enforcement and all supporting documents must be delivered to the person identified above on the same day as filed with the commission.

(3) **Amendment of petition and answer.** In the discretion of the presiding officer, for good cause shown, and to avoid substantial prejudice to the responding party that is not caused by the fault of the responding party, the responding party may amend its answer to the petition. In the discretion of the presiding officer, either party may amend its petition or answer to conform to the evidence presented during the proceeding. In determining whether to permit amendment of the petition or answer to conform to the evidence, the presiding officer may refer to, but is not bound by, civil rule 15(b).

(4) **Prehearing conference.** The commission will conduct a prehearing conference regarding each petition that is filed for enforcement of an interconnection agreement.

(a) **Schedule; mandatory attendance.** The presiding officer will within ten days after the petition is filed schedule a prehearing conference. Both the petitioner and the respondent must attend the prehearing conference. At the discretion of the presiding officer, the prehearing conference may be conducted by telephone.

(b) **Procedural determination.** At the prehearing conference, the presiding officer will determine, based on the petition and the answer, together with all supporting documents filed by the parties and the parties' oral statements, whether the issues raised in the petition can be determined on the pleadings and submissions, without further proceedings. In determining whether to schedule an oral enforcement hearing session, the presiding officer will consider, but is not limited to considering, the preferences of the parties and the reasons they advance, the need to clarify statements by means of asking questions, whether the issues are largely factual, largely legal, or involve questions of fact and law, the apparent complexity of facts and issues, the need for speedy resolution, and the completeness of information presented. The presiding officer may ask the parties to submit written briefs on the issues of the petition.

(c) **Means of obtaining additional information.** If the presiding officer determines that further proceedings are necessary, the presiding officer will establish a schedule for receiving additional facts or evidence and may, in the discretion of the presiding officer, schedule an enforcement hearing session to explore the facts and issues raised in the petition and the answer. If shown to be essential to the requesting party, the presiding officer may, in his or her discretion, allow discovery of facts relating to matters directly at issue pursuant to WAC 480-09-480. The party filing the complaint or answer may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue. To comply with the time lines of this rule, the presiding officer may alter the discovery time lines in WAC 480-09-480.

(5) **Appointment and powers of the presiding officer; recommended or final decision.** The commission will appoint an administrative law judge to preside over the proceeding. The commissioners may, in their discretion, preside over the enforcement proceeding.

(a) In any proceeding to enforce the provisions of an interconnection agreement, the presiding officer has broad discretion to conduct the proceeding in a manner that best suits the nature of the petition, including, but not limited to, converting the proceeding into a complaint proceeding under RCW 80.04.110. The presiding officer may limit the record in the enforcement proceeding to written submissions or may schedule an enforcement hearing session. The presiding officer may limit the number of exhibits and witnesses and the time for their presentation.

(b) The enforcement proceeding concludes when the presiding officer has sufficient information to resolve the issues. The presiding officer shall serve a recommended decision on the parties within seventy-five days of the date

the petition for enforcement was filed, or twenty-one days after the last hearing session or submission, whichever is later. The recommended decision is subject to the approval of the commission. If the commission presides over the enforcement proceeding, it may serve a final decision within the time requirements applicable to recommended decisions.

(6) **Review of the recommended decision.** After the presiding officer serves the recommended decision, the commission will hear the arguments or comments of the parties regarding the recommended decision at a regular or special open public meeting. The parties may submit written comments to the commission prior to the meeting on a schedule established in the recommended decision. The commission may, in its discretion, request a presentation at the meeting from commission staff. The commission will conduct this session within ten days after the date of the recommended decision, or as soon thereafter as the commissioners' schedules permit.

(7) **Commission decision on petition for enforcement.**

(a) **Extent of commission discretion.** The commission will serve a final decision on the parties, in the form of a commission order, resolving the issues. The commission may adopt, modify or reject all or part of the recommended decision.

(b) **Time of service of order.** The commission will serve its order on the petition for enforcement no later than ninety days of the date the petition is filed or fifteen days after the meeting at which it reviews the recommended decision, whichever is later. The commission may extend this time for lack of resources or for other good cause.

(c) **Petition for reconsideration.** Within ten days after the commission serves its order on the petition for enforcement, the parties may petition for reconsideration. A petition for reconsideration is denied unless the commission by separate decision grants it within ten days after the petition for reconsideration is filed, or such longer time established by the commission secretary. If a party files a petition for reconsideration, the commission may, in its discretion, request that an answer be filed or call for additional comments, briefing, evidence, or argument from the parties. Filing a petition for reconsideration of the order does not stay the effect of the order.

(d) **Failure to comply with the order.** Any party who fails to comply with the terms of the commission's final order on petition for enforcement is subject to penalties under RCW 80.04.380 and any other penalties or sanctions as provided by law. A company against whom a penalty is assessed may challenge the penalty or the facts on which it is based, or seek mitigation of the penalty, pursuant to pertinent law and commission rules.

[Statutory Authority: RCW 80.01.040. 98-21-042 (Order R-451, Docket No. A-970591), § 480-09-530, filed 10/14/98, effective 11/14/98.]

**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.]

**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.

(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.]

## Chapter 480-11 WAC
## SEPA PROCEDURES

WAC

480-11-010 Authority.
480-11-020 Incorporation of chapter 197-11 WAC.
480-11-030 Designation of responsible official.

**WAC 480-11-010 Authority.** This chapter is created under RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-010, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-010, filed 10/10/84. Formerly chapter 480-10 WAC.]

**WAC 480-11-020 Incorporation of chapter 197-11 WAC.** The commission adopts provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology) to be applicable to the Washington utilities and transportation commission. A copy of the rules adopted by reference in this section is available for inspection at the Washington utilities and transportation commission branch of the Washington state library, at the commission's headquarters office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-020, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-020, filed 10/10/84.]

**WAC 480-11-030 Designation of responsible official.** The responsible official for the commission for matters affected by SEPA is the director of regulatory services.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-030, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-030, filed 10/10/84.]

## Chapter 480-12 WAC
## MOTOR CARRIERS

WAC

480-12-100 Forwarders and brokers.
480-12-375 Bond required—Broker—Forwarder.

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

480-12-001 Supersession of this chapter. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-12-001, filed 11/22/95, effective 12/23/95.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-003 Procedure. [Statutory Authority: RCW 80.01.040. 91-13-077 (Order R-346, Docket No. TV-900716), § 480-12-003, filed 6/18/91, effective 7/19/91; Order R-24, § 480-12-003, filed 4/16/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-005 Communications. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-005, filed 12/23/87; Order R-43, § 480-12-005, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-005, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-010 Rule book must be in main office—Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. [Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-010, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-010, filed 9/17/87; Order R-5, § 480-12-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-015 Documents—When filed. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-015, filed 12/23/87; Order R-43, § 480-12-015, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-015, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-020 Remittances. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-020, filed 9/17/87; Order R-5, § 480-12-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-022 Procedures for contest of fees. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-022, filed 11/3/93, effective 12/4/93.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-025 Address, change of. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-025, filed 9/17/87; Order R-5, § 480-12-025, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-030 Applications. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-030, filed 11/3/93, effective 12/4/93; 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-030, filed 4/15/91, effective 5/16/91; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-030, filed 9/17/87; Order R-50, § 480-12-030, filed 8/8/73; Order R-24, § 480-12-030, filed 4/16/71; Order R-5, § 480-12-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-031 Petition to amend permit to incorporate commercial zone authority. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-031, filed 9/17/87; 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-031, filed 7/28/82; Order R-96, § 480-12-031, filed 5/4/77.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98,

effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-033 Temporary permits. [Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-12-033, filed 12/1/93, effective 1/1/94; 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-033, filed 4/15/91, effective 5/16/91; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-033, filed 6/27/86; 85-18-044 (Order R-236, Cause No. TV-1897), § 480-12-033, filed 8/30/85; 82-12-060 (Order R-187, Cause No. TV-1595), § 480-12-033, filed 6/2/82; Order R-50, § 480-12-033, filed 8/8/73; Order R-24, § 480-12-033, filed 4/16/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-035 Applications for extensions. [Order R-5, § 480-12-035, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-040 Application for permit—Forwarding, carloading or broker. [Order R-5, § 480-12-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-045 Application for authority, docketing—Protests—Hearings. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-045, filed 5/5/94, effective 6/5/94; 90-17-049 (Order R-325, Docket No. TV-900022), § 480-12-045, filed 8/10/90, effective 9/10/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-045, filed 9/17/87; Order R-70, § 480-12-045, filed 1/29/75, effective 3/1/75; Order R-48, § 480-12-045, filed 6/13/73; Order R-36, § 480-12-045, filed 4/5/72; Order R-24, § 480-12-045, filed 4/16/71; Order R-5, § 480-12-045, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-047 Applications for permanent authority, dump truck operations, unprocessed and unmanufactured agricultural commodities, forest products, livestock hauls, and related commodities. [Order R-36, § 480-12-047, filed 4/5/72; Order R-24, § 480-12-047, filed 4/16/71; Order R-22, § 480-12-047, filed 8/6/70.] Repealed by Order R-48, filed 6/13/73.

480-12-050 Transfer of permit rights. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-050, filed 5/5/94, effective 6/5/94; 86-12-029 (Order R-260, Cause No. TV-1963), § 480-12-050, filed 5/29/86; Order R-24, § 480-12-050, filed 4/16/71; Order R-5, § 480-12-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-055 Hearing on show cause orders. [Order R-5, § 480-12-055, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-060 Application fees forfeited. [Order R-5, § 480-12-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-065 Permits, canceled—New application. [Order R-5, § 480-12-065, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-070 Permit rights defined—Classification of carriers. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-070, filed 9/17/87; Order R-5, § 480-12-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-075 Permit phraseology defined. [Order R-5, § 480-12-075, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-080 "Local cartage" defined, and restrictions. [Order R-66, § 480-12-080, filed 5/8/74; Order R-5, § 480-12-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-081 Commercial zones defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-081, filed 7/28/82.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-082 Terminal areas defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-082, filed 7/28/82.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-083 Adoption by reference defined. [Statutory Authority: RCW 80.01.040. 94-14-014 (Order R-420, Docket No. T-940457), § 480-12-083, filed 6/23/94, effective 7/24/94; 93-15-035 (Order R-392, Docket No. T-921165), § 480-12-083, filed 7/13/93, effective 8/13/93; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-083, filed 12/18/91, effective 1/18/92.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-084 Federal Regulations, 49 C.F.R., Part 390—Adoption by reference. [Statutory Authority: RCW 80.01.040. 92-02-016 (Order R-360, Docket No. TV-2332), § 480-12-084, filed 12/23/91, effective 1/23/92.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-085 Common or contract carrier may not act as private carrier. [Order R-5, § 480-12-085, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-090 "Off-route points" defined. [Order R-5, § 480-12-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-095 "Intermediate points" defined. [Order R-5, § 480-12-095, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-096 Seattle commercial zone defined. [Order R-97, § 480-12-096, filed 5/4/77.] Repealed by 82-16-029 (Order R-192, Cause No. TV-1627), filed 7/28/82. Statutory Authority: RCW 80.01.040.

480-12-105 Primary agricultural carriers. [Order R-70, § 480-12-105, filed 1/29/75, effective 3/1/75; Order R-24, § 480-12-105, filed 4/16/71; Order R-5, § 480-12-105, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-110 Permit, must abide by—"Tacking"—Extension. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-110, filed 9/17/87; 82-12-062 (Order R-188, Cause No. TV-1596), § 480-12-110, filed 6/2/82; Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-115 Revision of permit. [Order R-5, § 480-12-115, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-120 Permits, location of. [Order R-5, § 480-12-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-121 Operating authority on vehicles. [Order R-34, § 480-12-121, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-125 Lost permits. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-125, filed 9/17/87; Order R-5, § 480-12-125, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), effective 1/15/99. filed 12/15/98, Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-126 Interstate operations; requirements; definitions. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-126, filed 11/3/93, effective 1/1/94; Order R-50, § 480-12-126, filed 8/8/73; Order R-34, § 480-12-126, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-127 Registered carriers. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-127, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-127, filed 9/17/87; Order R-34, § 480-12-127, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-130 Interstate exempt carriers. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-130, filed 11/3/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 81.80.300, and 1991 c 241. 91-19-089 (Order R-348, Docket No. TV-910903), § 480-12-130, filed 9/17/91, effective 10/18/91. Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-130, filed 9/17/87. Statutory Authority: RCW 81.80.300 and 81.80.320. 78-12-088 (Order R-120, Cause No. TV-1172), § 480-12-130, filed 12/6/78; Order R-111, § 480-12-130, filed 11/23/77; Order R-76, § 480-12-130, filed 10/8/75; Order R-68, § 480-12-130, filed 9/25/74; Order R-65, § 480-12-130, filed 3/6/74; Order R-60, § 480-12-130, filed 11/28/73; Order R-52, § 480-12-130, filed 9/12/73; Order R-40, § 480-12-130, filed 12/6/72; Order R-34, § 480-12-130, filed 12/8/71; Order R-17, § 480-12-130, filed 2/3/70; Order R-5, § 480-12-130, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-131 Interstate trip permits. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-131, filed 11/3/93, effective 1/1/94.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-135 Permits and receipts—Return required—Loss improper use of cards or stamps. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-135, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-135, filed 9/17/87; Order R-5, § 480-12-135, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-137 Private carriers. [Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-137, filed 5/4/94 effective 6/4/94.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-140 Equipment, standby. [Order R-5, § 480-12-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-145 Equipment, list of. [Order R-5, § 480-12-145, filed 6/6/69, effective 10/9/69.] Repealed by Order R-21, filed 7/2/70.

480-12-150 Equipment—Identification. [Statutory Authority: RCW 80.01.040. 93-15-038 (Order R-393, Docket No. TV-920973), § 480-12-150, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-150, filed 9/17/87; Order R-45, § 480-12-150, filed 4/18/73; Order R-40, § 480-12-150, filed 12/6/72; Order R-5, § 480-12-150, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-155 Equipment—Interchange of. [Order R-5, § 480-12-155, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-160 Disabled motor vehicles—Substitution. [Order R-5, § 480-12-160, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-165 Equipment—Inspection—Ordered for repairs. [Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-165, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-165, filed 2/27/90, effective 3/30/90. Statutory Authority: RCW 81.01.040, 81.80.130, 81.80.140 and 81.80.290. 81-13-010 (Order R-166, Cause No. TV-1487), § 480-12-165, filed 6/10/81; Order R-5, § 480-12-165, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-170 Equipment of carrier suspended. [Order R-5, § 480-12-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-175 Equipment—Loads above tank. [Order R-5, § 480-12-175, filed 6/6/69, effective 10/9/69.] Repealed by 87-19-088 (Order R-276, Cause No. TV-2092), filed 9/17/87. Statutory Authority: RCW 80.01.040.

480-12-180 Equipment—Drivers—Safety. [Statutory Authority: RCW 80.01.040. 94-14-013 (Order R-421, Docket No. T-940589), § 480-12-180, filed 6/23/94, effective 7/24/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-180, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-180, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-180, filed 2/23/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-180, filed 12/23/87; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-180, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-180, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-180, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-180, filed 1/7/81. Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290. 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-181 Pole trailers. [Statutory Authority: RCW 80.01.040. 93-05-038 (Order R-383), § 480-12-181, filed 2/16/93, effective 3/19/93; 90-17-048 (Order R-327, Docket No. TV-900576), § 480-12-181, filed 8/10/90, effective 9/10/90.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-185 Equipment, lawful operation of. [Order R-5, § 480-12-185, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-190 Hours of service—On duty—Adoption of federal safety regulations. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-190, filed 5/5/94, effective 6/5/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-190, filed 12/18/91, effective 1/18/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-190, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-12-190, filed 11/7/85. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-190, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, §

480-12-190, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-195 Hazardous materials regulations. [Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-195, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-195, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-195, filed 2/23/89; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-195, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 82-12-061 (Order R-186, Cause No. TV-1611), § 480-12-195, filed 6/2/82; 82-05-022 (Order R-181, Cause No. TV-1567), § 480-12-195, filed 2/10/82; 81-19-033 (Order R-175, Cause No. TV-1526), § 480-12-195, filed 9/10/81. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-196 Transportation of radioactive materials—Driving and parking rules. [Statutory Authority: RCW 80.01.040. 86-08-006 (Order R-257, Cause No. TV-1937), § 480-12-196, filed 3/20/86.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-200 Accidents, reporting of. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-200, filed 9/17/87. Statutory Authority: RCW 81.28.280, 81.28.290 and 81.80.130. 80-01-071 (Order R-138, Cause No. TV-1288), § 480-12-200, filed 12/24/79; Order R-5, § 480-12-200, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-205 Passengers—Carrying prohibited—Exceptions. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-205, filed 9/17/87; Order R-5, § 480-12-205, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-210 Leasing. [Statutory Authority: RCW 80.01.040. 87-04-012 (Order R-272, Cause No. TV-2015), § 480-12-210, filed 1/23/87. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.140. 80-13-061 (Order R-151, Cause No. TV-1373), § 480-12-210, filed 9/17/80; Order R-5, § 480-12-210, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-215 Pseudo leasing. [Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-215, filed 9/9/81; Order R-5, § 480-12-215, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-220 Unfair or destructive competitive practices by carrier operating under permit. [Order R-5, § 480-12-220, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-225 Advertising on equipment. [Order R-5, § 480-12-225, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-230 Service, scheduled, discontinuance of. [Order R-5, § 480-12-230, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-233 Agreements for pooling of freight. [Order R-65, § 480-12-233, filed 3/6/74.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-235 Claims for loss or damage. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-235, filed 9/17/87; Order R-5, § 480-12-235, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-240 Shipments on hand undelivered. [Order R-5, § 480-12-240, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-245 Commissions. [Order R-5, § 480-12-245, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-250 Accounts—Uniform system adopted—Reports. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-250, filed 11/3/93, effective 12/4/93; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-12-250, filed 12/15/89, effective 1/15/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-250, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 81-06-060 (Order R-159, Cause No. TV-1431), § 480-12-250, filed 3/4/81; 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-253 Continuing traffic study instituted—Requirements—Penalties. [Order R-56, § 480-12-253, filed 10/24/73.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-255 Contracts. [Statutory Authority: RCW 80.01.040 and 81.80.080. 92-01-053 (Order R-359, Docket No. TV-910927), § 480-12-255, filed 12/11/91, effective 1/11/92; Order R-5, § 480-12-255, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-260 Bills of lading. [Statutory Authority: RCW 80.01.040. 94-03-002 (Order R-407, Docket No. TV-931256), § 480-12-260, filed 1/5/94, effective 2/5/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-260, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-260, filed 8/7/80; Order R-5, § 480-12-260, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-265 Tariffs. [Order R-5, § 480-12-265, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-270 Tariffs shall be issued, posted and filed. [Order R-5, § 480-12-270, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-275 Freight classifications. [Order R-5, § 480-12-275, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-280 Tariffs, must have. [Order R-5, § 480-12-280, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98,

effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-285 Tariffs, distribution and fees. [Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-285, filed 7/13/93, effective 8/13/93. Statutory Authority: RCW 80.01.040 and 81.80.290. 89-04-045 (Order R-294, Cause No. TV-2223), § 480-12-285, filed 1/31/89. Statutory Authority: RCW 80.01.040. 87-23-029 (Order R-280, Cause No. TV-2113), § 480-12-285, filed 11/12/87. Statutory Authority: RCW 80.01.040 and 81.80.290. 86-03-040 (Order R-249, Cause No. TV-1924), § 480-12-285, filed 1/13/86. Statutory Authority: RCW 80.01.040. 81-23-018 (Order R-177, Cause No. TV 1545), § 480-12-285, filed 11/13/81. Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-290 Rules of distribution. [Order R-5, § 480-12-290, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-295 Tariffs, proposed changes in—How made. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-295, filed 9/17/87; Order R-5, § 480-12-295, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-300 Tariff rules. [Order R-5, § 480-12-300, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-305 Billing—Method to be used. [Order R-5, § 480-12-305, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-310 Gross shipment weight. [Order R-5, § 480-12-310, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-315 Tariffs, interstate. [Order R-5, § 480-12-315, filed 6/6/69, effective 10/9/69.] Repealed by 91-06-071 (Order R-337, Docket No. TV-2333), filed 3/5/91, effective 4/5/91. Statutory Authority: RCW 80.01.040.

480-12-320 Routing of freight. [Order R-5, § 480-12-320, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order No. R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-321 Log road classification—Must have. [Statutory Authority: RCW 80.01.040. 94-03-001 (Order R-405, Docket No. TV-931239), § 480-12-321, filed 1/5/94, effective 2/5/94. Statutory Authority: RCW 80.01.040 and 81.80.220. 91-01-080 (Order R-334, Docket No. TV-2331), § 480-12-321, filed 12/17/90, effective 1/17/91. Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-321, filed 9/17/87; 84-21-120 (Order R-221, Cause No. TV-1816), § 480-12-321, filed 10/24/84.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-322 Log shipments—Intrastate rates—Applicability. [Statutory Authority: RCW 80.01.040. 92-01-051 (Order R-354, Docket No. TV-900714), § 480-12-322, filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040, 81.80.040, 81.80.130, 81.80.290, 81.80.330 and 81.80.370. 83-12-028 (Order R-202, Cause No. TV-1699), § 480-12-322, filed 5/26/83.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-325 Freight charges paid in any manner other than cash. [Order R-5, § 480-12-325, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-330 Tariffs, observance of. [Order R-5, § 480-12-330, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-335 Rebating and other violations—Hearing. [Order R-5, § 480-12-335, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-340 Credit, extension of, by common carriers. [Statutory Authority: RCW 80.01.040. 90-23-083 (Order R-330, Docket No. TV-900169), § 480-12-340, filed 11/20/90, effective 12/21/90; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-340, filed 6/27/86; 81-19-028 (Order R-174, Cause No. TV-1501), § 480-12-340, filed 9/9/81. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-340, filed 8/27/80; Order R-5, § 480-12-340, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-345 Credit, extension of, by contract carriers. [Order R-5, § 480-12-345, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-350 Insurance. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-350, filed 11/3/93, effective 1/1/94; 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-350, filed 12/5/86; 85-10-032 (Order R-228, Cause No. TV-1871), § 480-12-350, filed 4/24/85; 84-19-004 (Order R-218, Cause No. TV-1804), § 480-12-350, filed 9/6/84. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.190. 83-18-072 (Order R-207, Cause No. TV-1711), § 480-12-350, filed 9/7/83. Statutory Authority: RCW 80.01.040. 82-12-063 (Order R-189, Cause No. TV 1597), § 480-12-350, filed 6/2/82; Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-355 Insurance, continuance of. [Order R-5, § 480-12-355, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-360 Insurance endorsement. [Order R-5, § 480-12-360, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-365 Insurance termination. [Statutory Authority: RCW 80.01.040. 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-365, filed 12/5/86; Order R-5, § 480-12-365, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

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.

480-12-380 Common carrier C.O.D. shipments—Bond required—Handling of shipments. [Order R-5, § 480-12-380, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-385 Inactive status of permits during military service. [Order R-5, § 480-12-385, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-390 Waiver of rules. [Order R-5, § 480-12-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-395 Rules—How changed. [Order R-5, § 480-12-395, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-400 Definitions. [Statutory Authority: RCW 80.01.040. 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-400, filed 12/23/87. Statutory Authority: RCW 80.01.-040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-400, filed 9/9/81; Order R-5, § 480-12-400, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-405 Determination of weights. [Order R-5, § 480-12-405, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-410 Discounts prohibited—Rates based on prepayment charges prohibited. [Order R-5, § 480-12-410, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-415 Prohibition against carrier acting as agent for another carrier. [Order R-5, § 480-12-415, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-420 Acting as agent for compensation for insurance company prohibited. [Order R-5, § 480-12-420, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-425 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited. [Order R-5, § 480-12-425, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-430 Liability of carriers. [Statutory Authority: RCW 80.01.040. 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-430, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-430, filed 9/9/81; Order R-5, § 480-12-430, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-435 Estimates of charges. [Statutory Authority: RCW 80.01.040. 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-435, filed 12/23/87; Order R-5, § 480-12-435, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-440 Absorption or advancement of dock charges. [Order R-5, § 480-12-440, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-445 Information to shipper. [Statutory Authority: RCW 80.01.040. 89-09-071 (Order R-298, Cause No. TV-2253), § 480-12-445, filed 4/19/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-445, filed 12/23/87; 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-445, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-445, filed 9/9/81; Order R-5, § 480-12-445, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-450 Minimum weight shipments. [Order R-5, § 480-12-450, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-455 Underestimates. [Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-455, filed 5/4/94 effective 6/4/94; Order R-5, § 480-12-455, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-460 Complaint procedures. [Order R-5, § 480-12-460, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-465 Charge card plans. [Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-465, filed 8/27/80.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-500 Definitions concerning recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-500, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-510 Application procedures for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-510, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-520 Reporting requirements for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-520, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-600 Regulatory fee. [Statutory Authority: RCW 80.01.040. 93-24-102 (Order R-401, Docket No. TV-931030), § 480-12-600, filed 12/1/93, effective 1/1/94.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-990 Appendix A—Classification of brokers, forwarders and motor carriers of property. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-990, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 81.80.120. 79-07-039 (Order R-124, Cause No. TV-985), § 480-12-990, filed 6/20/79; Order R-24, Appendix A (codified as WAC 480-12-990), filed 4/16/71; Order R-5, Appendix "A" Classification of brokers, forwarders and motor carriers of property, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

**WAC 480-12-100 Forwarders and brokers.** (1) For the purpose of these rules a "forwarder" shall be defined as a person engaged in the business of soliciting, collecting or assembling shipments for the purpose of combining the same into a shipment of such size as to be entitled to a quantity rate and who forwards such shipment in his own name and at his own risk by a common carrier at such quantity rate.

(2) A "broker" is a person engaged in the business of providing, contracting for or undertaking to arrange for, transportation of property by two or more common carriers.

(a) A broker's compensation shall be in the form of a fixed fee or percentage of the total tariff charges which shall be fixed and established by the commission based upon evidence submitted by the affected party or parties, which in every instance must be collected from the shipper by the broker and no charge for any service shall be collected from the

carrier. Every common carrier broker shall collect his fee, or percent of the total revenue charges, as a separate item and in accordance with the provisions of WAC 480-12-340 credit, extension of, by common carriers. Unless specifically authorized by the commission no common carrier broker authorized to collect charges from shippers for common carrier brokerage service shall collect from said shipper the common carrier tariff charges arising from the highway transportation of the property: Provided, That these provisions will not apply to any person holding a broker permit issued by the commission prior to April 16, 1971. Such brokers may continue to operate under the terms and conditions specified in their broker permit and under the commission rules which were in effect at the time their broker permit was issued.

(3) A carrier holding a highway transportation permit or an agent of such carrier, may not act as a shipper's agent, except as may be specifically authorized by a common carrier forwarder permit or a common carrier broker permit.

(4) A permit shall not be issued authorizing any one person to operate both as a broker and a forwarder.

(5) A forwarder shall not be permitted to charge rates which are lower than those prescribed for common carriers by motor vehicle. Such forwarder shall ship only over the lines of common carriers holding permits authorizing the transportation of general freight by motor vehicle.

(6) A common carrier broker, who also holds a common carrier permit authorizing highway transportation, may not perform highway transportation of the property of a shipper for which a common carrier brokerage service is rendered in equipment acquired by lease from another common carrier holding its own authority to provide the service.

(7) Every shipper, or group or association of shippers engaged in consolidating or distributing freight for themselves or for their members, and who wish to claim exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], shall notify the commission promptly upon beginning such services and, in addition, shall comply with the following:

Complete and file with the commission, by April 1 following each year in which an exemption is claimed, a statement of nonprofit status, notarized and dated, in substantially the following form:

> The undersigned has (have) performed services as freight forwarder claiming exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], in the year. . . . , beginning in the month of . . . . . There was no intent to perform such services for a profit, and no profit was in fact made.
>
> . . . . . .
> (Signature of forwarders)
>
> Subscribed and sworn to before me this . . . . . day of . . . . . , 19 . . . .
>
> . . . . . .
> Notary Public for the state of Washington in and for the county of . . . . . .

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-100, filed 9/17/87. Statutory Authority: RCW 81.80.045 and 81.80.120. 80-01-013 (Order 136, Cause No. TV-1286), § 480-12-100, filed 12/12/79; Order R-24, § 480-12-100, filed 4/16/71; Order R-18, § 480-12-100, filed 6/4/70; Order R-5, § 480-12-100, filed 6/6/69, effective 10/9/69.]

**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


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

480-14-060 Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

**WAC 480-14-010 Purpose and application.** The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter **except** carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-010, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-020 Rules, general application of rules—How changed.** (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington State Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-020, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-040 Definitions.** As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-15 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-15-020.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-040, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-040, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-050 Reference to other chapters.** (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-09-120 and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-050, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-070 Federal regulations, 49 CFR, Part 390—General applicability and definitions.** (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-070, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-070, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules.** (1) The commission will publish and distribute a document containing the rules relating to motor freight transportation.

(a) The commission will give applicants for permit authority one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission may charge a reasonable photocopy fee for multiple copies of the rule book requested by one person or entity.

(c) Interested persons may obtain a copy of the rule book by contacting the commission's Olympia offices.

(2) Rule books are not copyrighted materials and may be copied without commission approval or permission.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. Persons desiring to keep their rulebooks current and up-to-date are encouraged to subscribe to the rule notification service noted below.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year.

(a) The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers.

(b) The commission will also notify each person who requests to be on its rule notification list for the topics desired.

(c) Proposed and adopted rules are also published in the *Washington State Register,* available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia.

(d) The commission welcomes comments on proposed rules.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-080, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-090 Permits.** (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-090, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-100 Operations must be under permit name.** Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-100, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-110 Improper use of permit or registration receipt.** The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-110, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-120 Address, change of.** A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-120, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-130 Remittances.** (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

(2) Remittances in currency or coin are wholly at the risk of the remitter. The commission assumes no responsibility for loss of currency or coin sent by mail.

(3) All remittances must be made in U.S. funds.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-130, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-140 Fees.** Fees for applications shall be as follows:

| Type of Application | Fee Applicable |
|---|---|
| Conversion of permits existing prior to January 1, 1995, to new permits | $0 |
| Change of name or business structure | $50 |
| Permanent common carrier operating authority | |
| Hazardous materials | $275 |
| General commodities | $275 |
| Armored car service | $275 |
| Extension of common carrier permit authority | |
| Hazardous materials | $100 |
| General commodities | $100 |
| Armored car service | $100 |
| Reinstatement of authority (within 10 months of cancellation) | |
| Hazardous materials | $100 |
| General commodities | $100 |
| Armored car service | $100 |

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-140, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-150 Regulatory fee.** (1) Every common motor carrier operating in intrastate commerce shall, if requested by the commission, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is reduced or waived by commission order.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-150, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-160 Procedures for contest of fees.** A person may contest any fee imposed by the authority of chapter 81.80 RCW under RCW 81.80.115 by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-160, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-170 Periodic reporting requirements.** The commission may require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. If requested by the commission, the report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-170, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-180 Applications. (1) Intrastate authority.** No person shall conduct operations as a motor freight carrier in Washington intrastate commerce without having first obtained a permit from the commission to do so.

(a) Applications to acquire permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the

form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

(2) **Interstate authority.** Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-14-250. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-180, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-190 Permanent common carrier permits.** (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-190, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-200 Armored car service.** Motor carriers defined as providing "armored car service" under WAC 480-14-040(8), when transporting cash or coin with a value exceeding one hundred thousand dollars, are subject to the following provisions:

(1) The vehicle must be accompanied by at least two armed security guards qualified under chapter 18.170 RCW and chapter 308-18 WAC.

(2) When the vehicle is located in an unsecured area, one guard must remain within the area.

(3) Those portions of the vehicle surrounding the cargo and personnel must have a UL 752 Testing Certification to Level 1 Medium Powered Small Arms (MPSA); except that, any vehicle owned by an armored car service and operated as an armored car prior to the effective date of this rule, is exempt from this regulation.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-200, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-210 Change of carrier name and business structure.** (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-210, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-220 Permits, cancelled—New application.** When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within ten months after date of cancellation.

If not filed within ten months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-220, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation.** (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within ten months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose for the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) **Involuntary suspension.**

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) **Cancellation for cause.** The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) **Cancellation hearing prior to.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-230, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-240 Inactive status of permits during military service.** (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The commission shall, at no charge, grant reinstatement upon a showing of compliance with the requirements of the law governing operation over the public highways.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-240, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-250 Insurance requirements; cause for suspension or cancellation.** (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings shall be for the amount shown on the following table:

| | Category of Carrier Operation | Filing Required |
|---|---|---|
| 1. | Property (nonhazardous) | $750,000 |
| 2. | Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455 | $5,000,000 |
| 3. | Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below | $1,000,000 |
| 4. | Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455 | $5,000,000 |

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

| | Category of Carrier Operation | Filing Required |
|---|---|---|
| 1. | Property (nonhazardous) | $300,000 |
| 2. | Property (hazardous); any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455 | $5,000,000 |

(c) For taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(d) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission or its successor agency written by a company authorized to write insurance in any state.

(e) Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

(f) Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

(5) Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-250, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-250, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-260 Leasing.** Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

(a) Be made between the common carrier and the owner of the equipment;

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the lessee or for the duration of said lease;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-260, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-290 Interstate operations; requirements; definitions.** It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission or its successor agency, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(1) **Registered carriers.** Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission or its successor agency are "registered carriers."

(2) **Registered exempt carriers.** Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission or its successor agency are "registered exempt carriers."

(3) **Compliance required.** Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-290, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-300 Registered carriers.** (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission or its successor agency to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission or its successor agency, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its Interstate Commerce Commission or successor agency permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-14-320.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-300, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-320 Registered exempt carriers.** (1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act or its successor without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies addi-

tional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-320, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-340 Equipment—Identification.** (1) All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

(2) Common carriers, private carriers, or leased carriers adding, modifying, or renewing identification markings after the effective date of this rule must display on the driver and passenger doors of power units identification markings as specified below. The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger doors of the power unit.

(a) Motor vehicles operated by or under lease to a common carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the Interstate Commerce Commission or its successor agency certificate number, commission permit number, or both.

(b) Motor vehicles operated by or under lease to a private carrier must display the name and address of either the business operating the vehicle or the registered owner.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-340, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-350 Equipment, lawful operation of.** (1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

(2) Failure of any permit holder to obey and comply with all motor vehicle safety laws of the state shall be grounds for cancellation of permit.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-350, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs.** (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Information about the *North American Out-of-Service Criteria* regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(3) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-360, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-360, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-370 Equipment—Drivers—Safety.** In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. 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; part 393; part 396; part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 CFR, part 392.2 and with respect to 49 CFR, part 396.11, no driver vehicle inspection report need be filed if no defects are found. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

(i) Excessively worn links on chains;

(ii) Deformed or stretched chain links;

(iii) Cracked chain links;

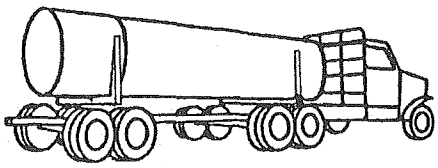
(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

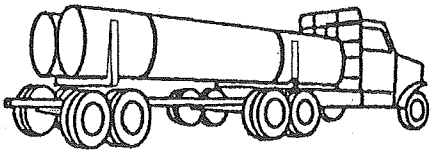
Note: See the following Diagrams for illustrations of placement and number of load fastening devices.

**PLACEMENT AND NUMBER OF WRAPPERS**



One log load

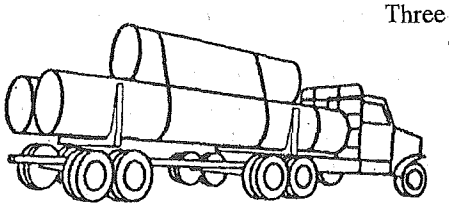
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.



Two log load

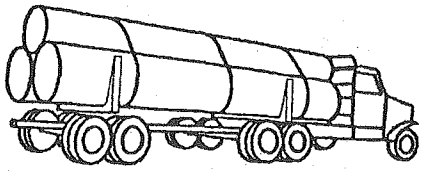
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



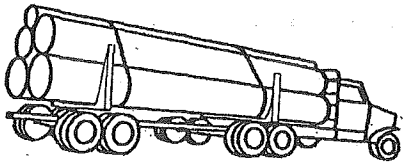
A minimum of two wrappers required.

Three or four log loads more than forty four feet



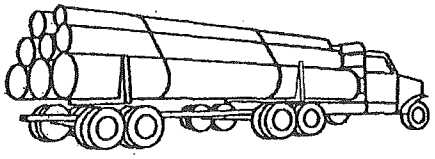
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



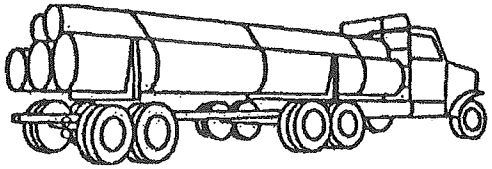
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



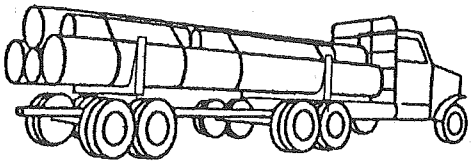
A minimum of two wrappers required.

Five or more log load if any logs are more than seventeen feet



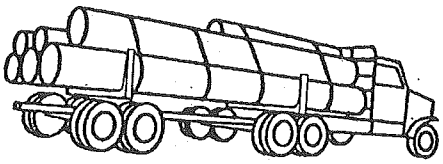
A minimum of three wrappers are required.

Outside logs or top logs



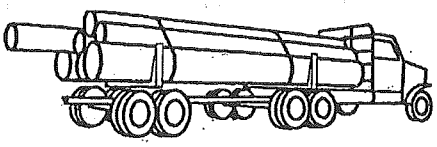
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



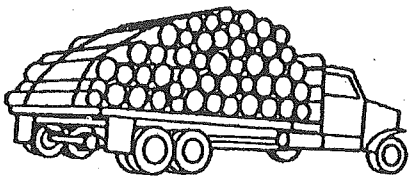
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

(a) Three-eighths inch high-test steel chain;

(b) One-half inch diameter steel cable; and

(c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Pole trailers.**

(a) Welded reach extension prohibited. No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(b) Damaged reach. No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(c) Empty pole trailers. Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383, and part 391, as well as and including all appendices

and amendments thereto, are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999. Exception: Carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver private carrier, or to a single vehicle owner driver common carrier when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria* on the date specified in WAC 480-14-999.

(9) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-370, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-370, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-380 Hours of service—On duty—Federal safety regulations.** The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 in effect on the date specified in WAC 480-14-999 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-380, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-380, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-390 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 170-189, as well as and including all appendices and amendments thereto in effect on the date specified in WAC 480-14-999, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles 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 common and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common and registered carrier 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.

(3) **Out-of-service criteria.**

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria* in effect on the date specified in WAC 480-14-999.

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: Provided, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-390, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-390, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules.** (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 in effect on the date specified in WAC 480-14-999 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-400, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-400, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-420 Optional provisions.** (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the

National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P. O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

(i) Filing with the commission its written notice that it opts-out of the program;

(ii) Advising the shippers it has served within the past year that it has opted-out; and

(iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.

(4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-420, filed 11/22/95, effective 12/23/95.]

WAC 480-14-900 Appendix A.

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery $ _____ and remit to: _____

_____ Street _____ City _____ State

C.O.D. charge to be paid by: ☐Shipper ☐Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____
(Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $ _____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount Prepaid.)

Charges Advanced:

$ _____

| No. Packages | O HM | Description of Articles, Special Marks, and Exceptions | *Weight (Sub. to Cor.) | Class or Rate | Check Column |
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*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ _____ per _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of _____

_____ Shipper, Per _____ _____ Agent, Per _____

Permanent post-office address of shipper,

page (1)

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

## CONTRACT TERMS AND CONDITIONS

**Sec. 1. (a)** The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

**(b)** No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after

placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

**Sec. 2.** (a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

**Sec. 3.** Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

**Sec. 4.** (a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the

party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

**(c)** Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

**(d)** Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

**(e)** The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

**(f)** Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

**Sec. 5.** No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

**Sec. 6.** Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

**Sec. 7.** The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

**Sec. 8.** If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this

bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

**Sec. 9. (a)** If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

**(b)** No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

**(c)** If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

**(d)** General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

**(e)** If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

**(f)** The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

**Sec. 10.** Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery $ _____ and remit to: _____

_____ Street _____ City _____ State

C.O.D. charge to be paid by: ☐Shipper ☐Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____
(Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $_____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount Prepaid.)

Charges Advanced:
$ _____

| No. Packages | O HM | Description of Articles, Special Marks, and Exceptions | *Weight (Sub. to Cor.) | Class or Rate | Check Column |
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*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ _____ per _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper

_____ Shipper, Per _____ ☛Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper. page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

## CONTRACT TERMS AND CONDITIONS

**Sec. 1. (a)** The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

**(b)** No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after

placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

**(c)** In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

**Sec. 2. (a)** No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

**(b)** As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

**(c)** Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

**Sec. 3.** Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

**Sec. 4. (a)** Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

**(b)** Where nonperishable property which has been transported to destination hereunder is refused by consignee or the

party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

**(c)** Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

**(d)** Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

**(e)** The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

**(f)** Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

**Sec. 5.** No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

**Sec. 6.** Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

**Sec. 7.** The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

**Sec. 8.** If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this

bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

**Sec. 9.** (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

**Sec. 10.** Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Memorandum is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at_____ 19_____ from_____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to_____

Destination_____ State of_____ Zip Code_____ County Of_____

Routing_____ Delivering Carrier_____ Vehicle or Car Initial_____ No._____

Collect on Delivery $_____ and remit to:_____

_____ Street_____ City _____ State

C.O.D. charge to be paid by: ☐ Shipper ☐ Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____ (Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $_____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per_____ (The signature here acknowledges only the amount Prepaid.)

Charges Advanced: $_____

| No. Packages | ○ HM | Description of Articles, Special Marks, and Exceptions | *Weight (Sub. to Cor.) | Class or Rate | Check Column |
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*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ per

○ Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper

_____ Shipper, Per_____ _____ Agent, Per_____

Permanent post-office address of shipper, page (3)

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

## CONTRACT TERMS AND CONDITIONS

**Sec. 1. (a)** The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

**(b)** No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after

placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

**Sec. 2.** (a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

**Sec. 3.** Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

**Sec. 4.** (a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the

party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

**(c)** Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

**(d)** Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

**(e)** The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

**(f)** Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

**Sec. 5.** No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

**Sec. 6.** Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

**Sec. 7.** The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

**Sec. 8.** If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this

bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

**Sec. 9. (a)** If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

**(b)** No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

**(c)** If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

**(d)** General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

**(e)** If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

**(f)** The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

**Sec. 10.** Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-900, filed 11/22/95, effective 12/23/95.]

**WAC 480-14-999 Adoption of reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-14-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-15 WAC
## HOUSEHOLD GOODS CARRIERS

WAC

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

480-15-030 Waiver of rules. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-030, filed 12/15/98, effective 1/15/99.] Repealed by 00-14-010 (General Order No. R-471, Docket No. TV-991559), filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040.

480-15-040 Adoption by reference. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

480-15-050 Where may I get copies of documents adopted by reference? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-050, filed 12/15/98, effective 1/15/99.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

## Part 1 - GENERAL

### Part 1.1 - General Information

**WAC 480-15-010 Purpose and application.** (1) The legislature has declared that operating as a motor carrier of freight, including household goods, for compensation over the highways of this state is a business affected with a public interest and should be regulated. The purpose of these rules is to carry out the policies set forth in RCW 81.80.020 as they apply to household goods carriers, by establishing standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service, consumer protection, and compliance with statutes, rules and commission orders.

(2) This chapter applies to all intrastate household goods carriers.

(3) Nothing in this chapter relieves any household goods carrier from its duties and obligations under the laws of the state of Washington including, but not limited to, public utility, labor, employment, and other taxes, and business and vehicle licensing requirements.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-010, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-010, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-020 Definitions.** For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

**"Accessorial services"** means any services provided by a household goods carrier that supplement, or are secondary to, the transportation of household goods, including, but not limited to, packing and unpacking, wrapping or protecting a portion of the shipment, and providing special handling of household goods.

**"Agent"** means a permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

**"Application docket"** means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

**"Authority"** means the rights granted to a common carrier to transport household goods.

**"Cancellation"** means an act by the commission to terminate a household goods carrier's authority.

**"Commission"** means the Washington utilities and transportation commission.

**"Common carrier"** means any person who undertakes to transport property, including household goods, for the general public by motor vehicle, for compensation over the public highways. This term also includes transportation under special and individual contracts or agreements.

**"Constructive weight"** means a weight based on a formula of seven pounds per cubic foot of properly loaded van space occupied by the customer's goods.

**"Consumer"** means a person or entity that hires a household goods carrier.

**"Customer"** means a person or entity that hires a household goods carrier.

**"Exempt carrier"** means any person operating a motor vehicle exempt from certain provisions of Title 81 RCW pursuant to RCW 81.80.040.

**"Filing"** means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

**"Household goods carrier"** means a common carrier transporting household goods within the state of Washington.

**"Household goods"** when the term is used in connection with transportation, means personal effects and property used or to be used in a residence when it is a part of the equipment or supply of such residence, and is transported between residences or between a residence and a storage facility, with the intent to later transport to a residence. This term excludes transportation of customer packed and sealed self-storage containers that are delivered to and from a self-storage facility, when that transportation is provided in conjunction with a self-storage agreement executed in good faith, and when no accessorial services are provided by a motor carrier in connection with the storage or the transportation of the container.

**"I"** means a household goods carrier or customer, depending upon the context of the rule.

**"Loaded weight"** means the weight of a motor vehicle obtained when:

- The customer's goods are loaded into the vehicle;
- The vehicle's fuel tank is full;

• All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle;

• The vehicle's crew is not on board the vehicle.

**"Local move"** means all moves taking place within the limits of a city or town or moves specifically defined as local in the commission tariff.

**"Long distance move"** means any move not meeting the definition of a local move.

**"May"** means an option. You may do something but it is not a requirement.

**"May not"** means to prohibit from doing something.

**"Motor carrier"** means "common carrier," "exempt carrier," and "private carrier," as defined in this chapter.

**"Motor vehicle"** means any vehicle, machine, tractor, trailer, or semi-trailer, propelled or drawn by mechanical power, or any combination of such vehicles, used upon the highways in the transportation of property, including household goods. A motor vehicle is not a self-storage container.

**"Must"** means a legal obligation. You are required to do something.

**"Net weight"** means the weight of the goods shipped by the consumer. It is determined by subtracting the tare weight of a motor vehicle from the loaded weight.

**"Permit"** means a document issued by the commission describing the authority granted to a household goods carrier under the provisions of chapter 81.80 RCW, as amended. A permit may be temporary or permanent in duration, and may allow a household goods carrier to transport household goods throughout the state of Washington or limit the household goods carrier to transportation of household goods in designated areas of the state.

**"Person"** includes any individual, firm, corporation, company, or partnership.

**"Private carrier"** means persons who transport their own household goods, household goods being bought or sold by them in good faith, or transport household goods purely as an incidental adjunct to some established business owned or operated in good faith.

**"Registered carriers"** means motor carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

**"Registered exempt carriers"** means motor carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

**"Shipper"** means a person or entity that hires a household goods carrier.

**"Small business"** means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

**"State"** means the state of Washington.

**"Suspension"** means an act by the commission to temporarily withhold a household goods carrier's authority.

**"Tare weight"** means the weight of an empty motor vehicle obtained when:

• The vehicle's fuel tank is full;

• All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle; and

• The crew is not on board the vehicle.

**"Tariff"** means a publication containing the rates and charges that must be assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

**"Transportation of household goods"** means the for hire movement of household goods by motor vehicle over the public highways of the state. This includes providing estimates, arranging for receipt, delivery, storage in transit, handling, and providing any accessorial services in connection with that movement.

**"Us"** means the Washington utilities and transportation commission.

**"We"** means the Washington utilities and transportation commission.

**"You"** means a household goods carrier, customer, insurance company, or other person or entity, depending on the context of the rule.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-035 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 company 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 company requesting the exemption, and other interested persons, of the date the commission will consider the request.

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

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-035, filed 6/27/00, effective 7/28/00.]

## Part 1.2 - Contacting the Commission

**WAC 480-15-060 How may I contact the commission?** You may contact the commission in writing, in person,

by telephone, by e-mail, or by FAX. If you are a permit holder, you should provide your permit name and number for proper identification.

(1) Mailing address:

The Secretary
Washington Utilities and Transportation Commission (or, WUTC)
P.O. Box 47250
Olympia, WA 98504-7250

(2) E-mail address: transinfo@wutc.wa.gov
(3) FAX number: (360) 586-1150
(4) Telephone number: (360) 664-1222.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-060, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-070 Where is the commission located?** The Washington utilities and transportation commission is located at 1300 S Evergreen Park Drive SW, Olympia, Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-070, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-080 How do I file documents with the commission?** You may file documents by mailing them to the address listed in WAC 480-15-060, or by hand delivering them to the commission's records management section. Your documents are officially received when date stamped by the commission's records management section. You may file certain documents electronically, as provided in WAC 480-09-120.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-080, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-090 May I submit information to the commission confidentially?** Yes, you may submit information confidentially under the following conditions:

(1) **Information other than complaints.** The commission will limit access to information that is identified as confidential and is submitted under the provisions of WAC 480-09-015. Copies of this rule are available upon request.

(2) **Complaints and rule violations.** If you fear for your safety when reporting a complaint for rule violation then, at your request, we will keep your name and address confidential. We require that you sign and submit a form specifying that you fear for your safety if your name and address are made public. Please note, however, that it is difficult to investigate complaints regarding a specific shipment if we are unable to release the name of the shipper, as carrier records are often kept by shipper name and address.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-090, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-100 What form of payment does the commission accept?** You may pay by money order, check, or certified check payable to the Washington utilities and transportation commission. You may also pay with cash if you make your payment in person. We accept only U.S. funds.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-100, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-110 If I change my business address or telephone number, must I notify the commission?** Yes, if you change your physical or mailing business address or your business telephone number, you must immediately notify the commission in writing at the addresses listed in WAC 480-15-060.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-110, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-120 What rules apply to commission proceedings?** The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter is different than a rule in chapter 480-09 WAC, the rule in this chapter applies to household goods carriers.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-120, filed 12/15/98, effective 1/15/99.]

## Part 1.3 - Compliance with this Chapter

**WAC 480-15-130 What is the commission's compliance policy?** (1) In enforcing the law, the commission encourages voluntary compliance with statutes, rules and commission orders, through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including:

(i) Investigation and informal dispute resolution of customer complaints;

(ii) Investigation of informal and formal company complaints;

(iii) Driver and equipment safety compliance reviews;

(iv) Economic compliance audits (i.e., concerning rates, charges, and billing practices);

(v) Coordinated roadside enforcement; and

(vi) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(2) Where necessary to ensure compliance with statutes, rules and commission orders, the commission will pursue:

(a) Administrative actions, including, but not limited to, warnings, sanctions, penalty assessments, suspension or cancellation of permits, and hearings to show cause and classify motor carriers; and

(b) Proceedings in district and superior court.

(3) The commission is authorized to administer and enforce the laws and rules relating to household goods carriers by:

(a) Inspecting equipment, drivers, accounts, books, and documents, including, but not limited to:

(i) Vehicles, drivers, and vehicle and driver records and files;

(ii) Business and financial records;

(iii) Insurance certificates;

(iv) Compliance records;

(v) Billing documents;

(vi) Shipment records; and

(b) Prosecuting violations of statutes, rules and commission orders.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-130, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-140 How will the commission enforce this chapter?** The commission authorizes staff to inspect the equipment, accounts, books, papers and documents of household goods carriers and to conduct inspections and investigations on its behalf. The commission will institute appropriate enforcement action against violators based on information collected by its staff. The commission has delegated authority to its staff to place vehicles and drivers out-of-service if they do not meet minimum safety standards. In addition, the commission has delegated authority to its staff to issue citations or arrest without warrant any person found violating this chapter in the presence of staff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-140, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-150 Why would the commission take administrative action?** The commission will take administrative action for violations in a manner that it believes will best assure future compliance by the violating household goods carrier and other household goods carriers. The commission may:

(1) Assess monetary penalties under the provisions in chapter 81.04 RCW as a tool of enforcement and remediation; or

(2) Suspend or cancel the permit of a household goods carrier under circumstances in which the commission believes education and penalties have not been, or will not be, effective to secure compliance; for serious actions including fraud or misrepresentation; and for willful violation of legal requirements.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-150, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-160 What sanctions apply to carriers operating without valid permits?** (1) **Operating while suspended.** Household goods carriers who continue to operate after their permits have been suspended are subject to:

(a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or

(b) Monetary penalty assessments or other administrative actions; and/or

(c) Proceedings to cancel their permit.

(2) **Operating after cancellation.** Household goods carriers who continue to operate after their permits have been canceled are subject to:

(a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or

(b) Enforcement proceedings in superior court.

(3) **Operating with no permit.**

(a) Motor carriers who transport household goods entirely within the state of Washington without first obtaining a permit from the commission to do so are subject to citation if observed or contacted by a representative of the commission, or other law enforcement agency, while transporting household goods over the public roads of the state of Washington.

(b) If we receive information that a motor carrier is transporting household goods without a household goods permit, we may issue a citation and/or contact the motor carrier and provide education and technical assistance concerning the applicable rules and regulations. We will supply the motor carrier with a copy of the applicable laws and rules, as well as forms with which to apply for a permit.

(c) If the motor carrier continues to operate without a permit after the commission provides the motor carrier with an opportunity to apply for a permit and the motor carrier does not do so, the commission may institute an administrative proceeding to classify the motor carrier. If, after the hearing, the commission determines the motor carrier is operating as a household goods carrier without the required permit, the commission will issue a cease and desist order to the party(s) involved in the operations pursuant to RCW 81.04.510.

(d) If the motor carrier continues to operate without a permit after applying for a permit and before the commission has acted in that application, the commission may consider those operations in determining whether the carrier is fit to provide the proposed service.

(e) The commission may institute legal action in the appropriate court if it obtains sufficient information that a motor carrier continues to operate in violation of a commission order.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-160, filed 12/15/98, effective 1/15/99.]

## Part 2 - PERMITS

### Part 2.1 - General Permit Information

**WAC 480-15-170 What is a household goods permit?** A household goods permit is a document issued by the commission describing the transportation services a common carrier is authorized to provide, and the territory the common carrier is authorized to serve. It includes at least the following information:

(1) The permit number issued by the commission;

(2) The official name of the permit holder;

(3) The registered trade or business name(s);

(4) The address of record;

(5) The date the permit is issued;

(6) The operating authority granted by the commission; and

(7) Any conditions imposed by the commission upon on the permit.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-170, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-180 When must I have a household goods permit?** (1) Unless you are operating in the territory described in WAC 480-15-200, you must receive a permit from us before you transport household goods:

(a) By motor vehicle;

(b) Over the public highways;

(c) Between points in Washington state; and

(d) For compensation.

(2) If you transport household goods without first obtaining a permit you will be subject to the enforcement actions described in WAC 480-15-160(3).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-180, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-190 Where may I operate with a household goods permit?** (1) Household goods permits authorize statewide operations unless:

(a) You elect to limit your service territory to specific counties; or

(b) The commission, by order, limits your service territory.

(2) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-190, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-195 When will my existing household goods permit be reissued?** If you hold a household goods permit that is valid on the effective date of these rules, it will be recognized as authorizing statewide operations until a new household goods permit is issued, or until January 31, 1999, whichever occurs first.

(1) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

(2) For the purpose of this rule, a valid household goods permit does not include temporary permits, suspended permits, canceled permits, or permits that are held by carriers that have not filed required annual reports, paid regulatory fees, or satisfied penalty assessments, or whose checks have been returned because of insufficient funds or closed bank accounts.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-195, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-200 Are there areas I may operate without a permit?** Pursuant to RCW 81.80.040(1), you do not need a permit to transport household goods exclusively between points within the limits of a city or town with a population of less than ten thousand, unless the city borders a city or town with a population of greater than ten thousand.

Pursuant to RCW 81.80.040(2), you do not need a permit to transport household goods exclusively between points within a city with a population between ten thousand and thirty thousand, if the commission has issued an order exempting transportation within that city from regulation.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-200, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-210 Are there different kinds of household goods permits?** We issue household goods permits for emergency temporary, temporary, and permanent authority. We may grant:

(1) Emergency temporary authority for a period of thirty days or less when there is an urgent need for service and time or circumstances do not reasonably allow for filing and processing of an application for temporary authority;

(2) Temporary authority for up to one hundred eighty days to meet a short-term public need or until a decision is made on a pending application for permanent authority. The applicant must be fit, willing, and able, and the proposed service must be in the public interest; and

(3) Permanent authority with no expiration date or renewal requirement when the applicant is fit, willing, and able to provide service, when granting that service is in the public interest, and when the proposed service is needed to meet the current or future public convenience and necessity.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-210, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-220 How do I apply for a permit?** (1) You may file an application for a permit on forms furnished by the commission. You may file your application in person or by mail. (See WAC 480-15-060 for the commission's address.)

(2) You must include all requested information, attachments, complete signed statements, and fees when you file your application. (See WAC 480-15-230 for the appropriate application fees.) We will not accept your application until all required information is supplied and any outstanding fees or penalties are paid.

(3) We may reject or dismiss your application if you include false, misleading, or incomplete information.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-220, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-230 What is the application fee?** The maximum application fee, under RCW 81.80.090, is five hundred fifty dollars. After reviewing the actual costs of processing applications, we may set fees at less than the legal maximum. Each application form will clearly state the fee you must submit when filing an application.

The following table lists the application fees in place on the effective date of these rules:

| Type of Permit Application: | Fee: |
|---|---|
| Emergency temporary authority | $ 50.00 |
| Temporary authority | $250.00 |
| Permanent authority | $550.00 |
| Permanent authority (under the exceptions named in WAC 480-15-260) | $250.00 |
| Permit reinstatement (under provisions of WAC 480-15-460) | $250.00 |
| Name change only | $ 35.00 |

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-230, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-240 How may a new entrant obtain authority?** You must file both a temporary and a permanent authority application if you do not hold an existing permit that allows you to transport household goods within the state of Washington.

The following table describes the application process for new entrants seeking to obtain permanent authority:

| If you file an application for: | You must also file an application for: | We will: | We will grant an application when: |
|---|---|---|---|
| Permanent authority<br>Refer to WAC 480-15-330 | Temporary authority<br>Refer to WAC 480-15-280 | Publish your application on an application docket subject to public comment. | The applicant is fit, willing, and able to provide the proposed service;<br>The proposed service is in the public interest; and<br>For applications for permanent authority, the proposed service is required to meet the current or future public convenience and necessity. |

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-240, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-250 What is the process to expand the authority in an existing permit?** You must file only a permanent authority application if you want to expand the authority included in your existing household goods permit.

The following table describes the filing process for existing household goods carriers seeking to obtain additional permanent authority:

| If you file an application for: | We will: | We will grant an application when: |
|---|---|---|
| Permanent authority<br>Refer to WAC 480-15-330 | Publish your application on an application docket subject to public comment. | The applicant is fit, willing, and able to provide the proposed service;<br>The proposed service is in the public interest; and<br>The proposed service is needed to meet the current or future public convenience and necessity. |

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-250, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-260 Exceptions to the application process.** (1) The commission will grant an application for permanent authority without temporary permit operations, public notice, or comment if the applicant is fit, willing, and able to provide service, and the application is filed to transfer or acquire control of permanent authority for the following reasons:

(a) A partnership has dissolved due to the death, bankruptcy, or withdrawal of a partner, and that partner's interest is being transferred to a spouse, or to one or more remaining partners;

(b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders;

(c) A sole proprietor has died and the interest is being transferred as property of the estate;

(d) An individual has incorporated, and the same individual remains the majority shareholder;

(e) An individual has added a partner, but the same individual remains the majority partner;

(f) A corporation has dissolved and the interest is being transferred to the majority shareholder;

(g) A partnership has dissolved and the interest is being transferred to the majority partner;

(h) A partnership has incorporated, and the partners are the majority shareholders; or

(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

(2) The commission will grant an application for permanent authority without temporary permit operations, after the application has been published on the application docket subject to comment for thirty days, if the applicant is fit, willing, and able to provide service and the application is filed to transfer or acquire control of permanent authority for the following reasons:

Ownership or control of a permit is being transferred to any shareholder, partner, family member, employee, or other person familiar with the company's operations and the household goods moving services provided; and

(a) The permit has been actively used by the current owner to provide household goods moving services during the twelve-month period prior to the application; and

(b) The application includes a certified statement from the applicant and the current owner explaining why the transfer of ownership or control is necessary to ensure the company's economic viability; and

(c) The application includes a certified statement from the applicant and the current owner describing the steps taken by the parties to ensure that safe operations and continuity of service to customers is maintained.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-260, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-260, filed 12/15/98, effective 1/15/99.]

## Part 2.2 - Emergency Temporary and Temporary Authority

**WAC 480-15-270 When will the commission grant emergency temporary authority?** We will grant an application for emergency temporary authority to meet an urgent need when time or circumstances do not reasonably allow for the filing and processing of a temporary permit application. We may grant emergency temporary authority for up to thirty days when a qualified applicant:

(1) Provides a certified statement of support identifying the need;

(2) Pays the application fee;

(3) Furnishes a list of vehicles to be used under emergency temporary authority; and

(4) Furnishes proof of public liability and property damage insurance.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-270, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-280 When must I apply for temporary authority?** (1) You must apply for temporary authority if you are a new entrant, or to provide service to meet a short-term need. If you are a new entrant, and the commission grants your application, the temporary authority will allow you to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether you have met the criteria in WAC 480-15-330 to obtain permanent authority.

(2) We will grant or deny an application for temporary authority after we have conducted a complete review of your application, any supporting statements, reports or other information necessary to determine your fitness, and determine whether granting the application is in the public interest.

(3) When determining if an applicant is fit, willing, and able to provide the proposed service we will consider any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws and rules; and

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or has previously been denied authority on the basis of fitness; or has had permit authority canceled.

(4) When determining if the proposed service is in the public interest we will consider any information provided by the applicant, shippers and other members of the public supporting the proposed service, and whether granting the temporary authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(5) Statements and reports from the applicant, shippers, and other members of the public, must include their full name, address, phone number, and state that the information submitted is true and accurate. They must be signed and show the place and date where/when they were signed.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-280, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-285 Are there times when the commission will reject my application for temporary authority?** We will reject your application for temporary authority if you file within six months of a denial of a previous application submitted by you. We will reject your application if filed within one year of cancellation of a permit, held by you, under WAC 480-15-320 or 480-15-450 (3), (4), (5), or (6).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-285, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-290 How will I know what the commission has decided?** After reviewing your application, and all supporting statements and reports, the commission will issue an order to you granting or denying your application for temporary authority. An order granting temporary authority may include specific terms and conditions that you must satisfy before you begin or while operating under authority. We publish an application docket listing temporary authority we have granted or denied.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-290, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-300 What conditions may be attached to my temporary authority?** Based on a review of your application and supporting statements, we may impose any of the following conditions when granting temporary authority:

(1) Driver and equipment safety training;

(2) Rates and billing practices training;

(3) Surety bond, or other means to ensure compliance;

(4) Special compliance audits;

(5) Special customer notices and comment forms which evaluate your services;

(6) Other reporting as the commission may require, such as customer lists, and financial reporting;

(7) Vehicles must pass inspection and be issued a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal; and

(8) Other conditions depending on the circumstances surrounding the application.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-300, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-310 May I comment on a decision to grant or deny temporary authority?** (1) We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication. Comments may be in the form of statements supporting or protesting the grant of authority or application. Comments must include your full name, address, telephone number, FAX number, and permit number, if applicable. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, and/or operation of equipment.

(3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a brief adjudicative proceeding on a protest. Rules governing applications and procedures for brief adjudicative proceedings are in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-310, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-320 May the commission cancel a temporary permit?** Yes, we may cancel a temporary permit at any time if we determine that:

(1) The permit was not issued in the public interest;

(2) The grant of temporary authority was based on fraud, misrepresentation, or erroneous information from the applicant; or

(3) We find cause to cancel the permit under the circumstances described in WAC 480-15-450.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-320, filed 12/15/98, effective 1/15/99.]

## Part 2.3 - Permanent Authority

**WAC 480-15-330 When must I apply for permanent authority?** (1) You must apply for permanent authority if you are requesting:

(a) New original authority;

(b) Transfer of existing authority;

(c) Acquisition of control of existing authority;

(d) Additional authority for an existing household goods permit; or

(e) Household goods authority for an existing general commodities permit granted under the provisions of chapter 480-14 WAC.

(2) We will grant or deny an application for permanent authority after we have conducted a complete review of your application, supporting statements, reports, or other information necessary to determine fitness, public interest, and current or future public convenience and necessity.

(3) Some transfers of existing permanent authority are not subject to the requirements in this rule. The exceptions are listed in WAC 480-15-260.

(4) When determining if an applicant is fit, willing and able to provide the proposed service, we will consider statements and reports including any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws;

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or previously has been denied authority on the basis of fitness; and

(c) The results of any compliance reviews, audits, inspection reports, and consumer complaints filed against the applicant.

(5) When determining if the proposed service is in the public interest we will consider statements and reports, including any information provided by the applicant, and other members of the public supporting the proposed service, and whether granting the permanent authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(6) When determining if the proposed service is needed to satisfy the current or future public convenience and necessity, we will consider any information provided by the applicant, shippers, and other members of the public supporting the proposed service, and any reports relating to the operations you conducted under temporary authority, including, but not limited to, the following:

(a) The number of customers you served;

(b) The nature of the service you provided;

(c) Your customers' satisfaction; and

(d) Statements regarding future need for your services.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-330, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-340 May I comment on an application for permanent authority?** (1) We publish applications for permanent authority on the application docket which we mail to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of temporary authority. If the permanent authority application is published in conjunction with a grant of temporary authority, then comments will be accepted for one hundred eighty days or the full term of the temporary permits.

(3) Comments may be in the form of statements supporting or protesting the application. Comments must include the commenter's full name, address, telephone number, and should also include a FAX number and permit number, if available. Comments should be signed and indicate the place and date when they were signed. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, operation of equipment, and current or future public need for service.

(4) A comment protesting an application may not cause the application to be set for a hearing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-340, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-350 Will my application be set for a hearing?** We may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity, or any other issue resulting from a compliance review, audit, inspection report, complaint, or public comment. Rules governing hearings and brief adjudicative proceedings are contained in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-350, filed 12/15/98, effective 1/15/99.]

## Part 2.4 - Using Your Permit

**WAC 480-15-360 Where must I keep my permit?** You must keep your original permit in your main office, and also carry a copy of your permit in each vehicle used to transport household goods. You must show a copy of your permit to any law enforcement or compliance officer who asks to see it.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-360, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-370 What should I do if my permit is lost or destroyed?** You may write to us and request replacement of a lost or destroyed permit. We will issue a replacement permit at no charge.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-370, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-380 May I allow others to use my permit authority?** You must not allow others to transport household goods under your permit authority. All operations under a household goods permit must be conducted by the lawful permit holder. While you may not lease your permit authority, you may lease vehicles for use in your own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-380, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-390 What name may I use?** (1) You must conduct operations under the name shown on your household goods permit. If you do business under a trade or assumed name, that name must also appear on your permit.

(2) You may not operate under a name that is similar to that of another carrier unless:

(a) The carrier whose name is similar has given you written permission to use the name; or

(b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not:

(i) Mislead the shipping public; or

(ii) Result in unfair or destructive competitive practices.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-390, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-400 How do I change my permit name?** (1) You must file a name change application if you want to change your permit name, corporate name, trade name, or add a trade name to your permit.

(2) Your name change application must include the application fee (as shown in WAC 480-15-230), copies of any corporate minutes authorizing the name change, and proof that you have properly registered your new name with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) You must file an application to transfer or acquire control of permanent authority if your name change is the result of a change in ownership or controlling interest.

(4) You may not advertise or operate under the changed name until the commission approves your request.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-400, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-410 What should I do if I cannot use my permit?** (1) If you are unable to use your permit due to medical reasons or because you have been called into active military service, you may request that your authority be voluntarily suspended.

(2) You must send your request to us in writing and include the following information:

(a) Your name, address, and permit number;

(b) The reason for the request (e.g., medical statement, military orders);

(c) The date you would like the voluntary suspension to begin;

(d) The length of time you will be unable to use your permit; and

(e) A statement that no household goods transportation will occur under your permit while it is suspended.

(3) We will issue an order suspending your permit. The order will set the length of time and the terms of your permit suspension.

(4) To activate your suspended permit you must send us a letter advising that you are ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. You must satisfy any outstanding filing requirements before we will issue an order lifting the suspension.

(5) If you do not activate your permit before the suspension period expires, your permit may be canceled.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-410, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-420 What should I do if I no longer want to use my permit?** If you no longer want to use your permit, you may send the original permit to us with a written request that it be canceled. Your cancellation request must include your name, address, and permit number. We will issue an order canceling your permit. Cancellation will be effective on the date of that order.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-420, filed 12/15/98, effective 1/15/99.]

## Part 2.5 - Suspended and Canceled Permits

**WAC 480-15-430 Why would the commission suspend my permit?** (1) The commission may suspend your permit under the provisions of WAC 480-15-410 or for good cause. Good cause includes, but is not limited to:

(a) Failure to maintain evidence of required cargo and/or liability insurance coverage for all areas of your operations;

(b) Failure to maintain your tariff and/or comply with the rates and rules contained in the tariff;

(c) Failure or refusal to comply with operating standards that protect the public health and/or safety;

(d) Allowing others to transport goods under your permit authority. See WAC 480-15-380.

(e) Operating in a manner which harms the rights of the shipping public or which constitutes unfair or deceptive business practices. For example: Investigation by the commission's staff representatives upholds numerous consumer complaints related to loss and damage, packing, loading and/or unloading, estimating or billing.

(2) The commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health, safety or welfare, or there is insufficient time to conduct a hearing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-430, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-440 What happens if my permit is suspended for cause?** (1) **Notification.** The commission will send you notice of its action to suspend your permit. The suspension is effective upon the service date of the notice.

(2) **Contest of suspension.** You may contest the suspension of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** We will lift the suspension of your permit after you correct all conditions leading to the suspension.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-440, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-450 Why would the commission cancel my permit?** The commission may cancel your permit under the provisions of WAC 480-15-410, 480-15-420 or for good cause. Good cause includes, but is not limited to:

(1) Failure to file an annual report or pay required regulatory fees;

(2) Failure to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of your permit;

(3) Continued violations of applicable laws and rules affecting the public health, safety or welfare when the commission has reason to believe you would not comply with those laws and rules following a specified period of suspension;

(4) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of household goods carriers;

(5) Failure to supply information necessary to the commission for the performance of its regulatory functions when requested by the commission to provide such information;

(6) Submission of false, misleading or inaccurate information. The commission will hold a hearing prior to canceling your permit unless your permit is subject to cancellation because you failed, within the time frame specified by a suspension order, to correct the causes of the suspension;

(7) Allowing others to transport goods under your permit authority in violation of WAC 480-15-380.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-450, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-460 What happens if my permit is canceled for cause?** (1) **Notification.** The commission will send you notice of its action to cancel your permit. The cancellation is effective upon the service date of the notice.

(2) **Contest of cancellation.** You may contest the cancellation of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** If you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within thirty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after thirty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be

subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

(4) **Small business, reinstatement of permit.** If you are a small business as defined in WAC 480-15-020, and you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within sixty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after sixty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-460, filed 12/15/98, effective 1/15/99.]

## Part 3 - ADMINISTRATIVE, TARIFF, AND RATE REQUIREMENTS TO TRANSPORT HOUSEHOLD GOODS, FOR HIRE, WITHIN THE STATE OF WASHINGTON

### Part 3.1 - Rule Books

**WAC 480-15-470 Rule books.** (1) **What is a rule book?** A rule book is a reprint of the complete set of Washington Administrative Code (WAC) rules governing the operations of household goods carriers.

(2) **How do I get a rule book?** You may request a rule book by contacting the commission. The first copy of the rule book is free. However, we may charge a fee for multiple copy requests. We will automatically send a rule book to anyone who applies for a household goods permit.

(3) **How do I get a rule book update?** If changes occur, we will automatically send annual rule book updates to everyone who has a household goods permit. Any person may request a current rule book by contacting us at the address listed in WAC 480-15-060.

(4) **Is the rule book copyrighted?** The rule book is not copyrighted. You may copy or reproduce it without our permission.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-470, filed 12/15/98, effective 1/15/99.]

### Part 3.2 - Annual Reports and Regulatory Fees

**WAC 480-15-480 Annual reports and regulatory fees.** (1) **What is an annual report?** An annual report is a year end statement that discloses to the commission financial, equipment, operating, and management information about you and the operations you conducted under your household goods permit. Your signed report includes a statement certifying that the information in your report is true and accurate.

(a) You must report your financial information according to the Uniform System of Accounts established by the commission for household goods carriers.

(b) The commission will mail annual report forms and instructions to each household goods permit holder at their address of record. If you do not receive an annual report form, it is your responsibility to contact the commission and request the form.

(2) **What is a regulatory fee?** A regulatory fee is an annual assessment paid by each household goods carrier to cover the costs of regulating the household goods industry. The maximum regulatory fee is set by law at one-fourth of one percent of the gross operating revenue generated from your intrastate transportation of household goods. We may reduce the fee by general order. Each year we review the costs of regulating the household goods industry and set the next year's fee accordingly.

(3) **How do I calculate my regulatory fee?** Your regulatory fee is calculated as a percentage of your intrastate gross operating revenues generated from the transportation of household goods during the prior calendar year.

| | | | |
|---|---|---|---|
| For example: | Gross Operating Revenue | $100,000.00 | x |
| | Regulatory Fee Percentage | .0025 | = |
| | Regulatory Fee Due | $ 250.00 | |

(4) **When are my annual report and regulatory fees due?** You must file your annual report and pay your regulatory fees by May 1st of the year following the calendar year for which you are reporting.

(a) If you pay your regulatory fee late, we will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month after that.

(b) If you do not file your annual report and/or do not pay your regulatory fee, we may issue penalty assessments or cancel your permit under the provisions of WAC 480-15-450.

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

### Part 3.3 - Tariff and Rates

**WAC 480-15-490 Tariff and rates, general.** (1) **What is a tariff?** A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) **How are tariff rates and charges established?**

(a) Pursuant to RCW 81.80.130 and 81.80.150, the commission publishes tariffs to be used by all household goods carriers, or allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services. The commission determines the rates and charges contained in the tariffs by commission order following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, reasonable, and sufficient rates and charges. The commission will do this by setting minimum and maximum rates.

(b) Upon the effective date of these rules, and continuing until such time as the commission, after notice and hearing, determines a different rate level, household goods carriers must assess rates and charges within a band.

(i) The maximum rates and charges must be no more than twenty percent above the rates and charges as published

by the commission in Tariff 15A in effect on February 1, 2000.

(ii) The maximum rates and charges established in (b)(i) of this subsection will be adjusted each June 1, through 2005, by an index calculated using the first-quarter Implicit Price Deflator (IPD) of the Gross Domestic Product as follows:

Index for Current Year = IPD for Previous Year First Quarter/IPD for Current Year First Quarter

Example: Using the following data:

| | |
|---|---|
| IPD for Previous Year First Quarter | 102.35 |
| IPD for Current Year First Quarter | 103.83 |

Index for Current Year is calculated as follows:

| | |
|---|---|
| IPD for Current Year First Quarter | 103.83 |
| Divided by IPD for Previous Year First Quarter | 102.35 |
| Equals Index for Current Year | = 1.0145 |

Maximum Rate or Charge is calculated as follows:

| | |
|---|---|
| Maximum Rate for Previous Year | $ 100.00 |
| Multiplied by Index for Current Year | x 1.0145 |
| Equals the Maximum Rate for Current Year | = $ 101.45 |

Round the maximum rate to the next $.01, with $.005 and greater rounded up and less than $.005 rounded down. Mileage rates are rounded to the next $.0001.

(iii) The minimum rate or charge is fixed at no less than forty percent below the maximum rate or charge established in (b)(i) of this subsection.

(3) **Who must have tariffs?** Each person holding household goods permit authority must purchase and display at least one copy of the current tariff, and pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

(4) **Where must a household goods carrier display its tariffs?** A household goods carrier must display a current copy of the tariff in its main office and in each billing office.

(5) **Who must charge rates contained in the tariff?** All household goods carriers must charge the rates and charges, and comply with the rules contained, in the tariff unless the commission has approved, in writing, deviations from the tariff.

(6) **Is the tariff the only publication a household goods carrier needs to use to determine rates?** The commission may adopt other publications that will be used to assess rates. If we do, we will notify tariff subscribers of the change.

(7) **Where may the public view tariffs?** Tariffs are public documents and you must make them available for the public by posting copies at your main office and any billing office. Tariffs are also available for review at our headquarters office.

(8) **How much does a tariff cost?** The cost of tariffs may change periodically depending on our costs for compiling, printing, distributing, and maintaining them. To find out the current cost, you may contact the commission as described in WAC 480-15-060.

(9) **Are copies of current or expired tariff pages available?** The commission will supply you with current or expired single tariff pages upon request. Copies of entire expired tariffs, or entire tariffs applicable on a specific date in the past, generally are not available.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-490, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-490, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-500 Tariff maintenance and fees.** (1) **What is a tariff maintenance fee?** A tariff maintenance fee compensates us for compiling, printing, and distributing amended tariff pages.

(2) **Do I always have to pay full maintenance fees?** The annual maintenance fee is payable in advance on a prorated basis depending upon the month in which you purchase a tariff. See the table below:

| Month in which maintenance service is purchased | Percentage of total maintenance fee payable |
|---|---|
| January, February, March | 100% |
| April, May, June | 75% |
| July, August, September | 50% |
| October, November, December | 25% |

(3) **How am I billed for my annual tariff maintenance fees?** By December 1 of each year, we send a bill to each tariff subscriber for the next year's annual tariff maintenance service. Tariff subscribers must pay maintenance fees by December 31.

(4) **What happens if a tariff subscriber fails to pay the annual maintenance fees by December 31?**

(a) If a tariff subscriber does not have a permit, and fails to pay the maintenance fee by December 31, we will cancel the tariff subscription. To reinstate a subscription, the tariff subscriber must purchase a new original copy of the tariff and pay all applicable maintenance fees.

(b) If a tariff subscriber has a permit and fails to pay tariff fees by December 31, we may take administrative action against the household goods carrier to suspend or cancel the permit, or to assess penalties.

(5) **Am I entitled to a refund if I cancel my tariff subscription?** If you cancel your tariff subscription and send us a written request we will refund your prepaid tariff maintenance fees. We base refunds on a prorated formula of one-twelfth the amount of the fee prepaid, times the number of whole months remaining in the calendar year.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-500, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-510 Changing commission-published tariffs.** (1) **Who may propose changes to the tariff?** Companies holding temporary or permanent household goods authority may propose changes to the tariff. We may, on our own motion, propose tariff changes.

(2) **How do I propose changes to the tariff?** All proposed changes must be sent to the commission's mailing address and must:

(a) Be in writing;

(b) Identify the rates, rules, or classifications to be changed;

(c) Fully describe the proposed change;

(d) State clearly the reason(s) for the proposed change;

(e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable); and

(f) Identify the name, address, title, telephone number, permit number and FAX number (if any) of the person we should contact regarding the proposal.

(3) **How does the commission consider proposals for tariff changes?** When we receive a proposed tariff change we:

(a) Assign a docket number;

(b) Schedule each docketed proposal for tariff change for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed changes, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff change; and

(d) Process each application for tariff change under the procedures set forth in chapter 480-09 WAC.

(4) **When do approved changes become effective?** Changes we approve are not effective until we publish and distribute a revised tariff page. We will identify the effective date of the change on the revised page.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-510, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-520 Procedure for filing individual carrier tariffs.** (1) **What must be filed?** You must submit to us:

(a) A cover letter requesting permission from us to publish and file an individual tariff. The letter must describe the reasons you believe permission should be granted. Your letter should state the reasons you believe it is impractical for us to publish a tariff for the commodities or services contained in your proposed tariff.

(b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC (Tariff Circular No. 6). You may request a copy of chapter 480-149 WAC from our records management section. The proposed tariff must contain all rates, charges, and rules you will be using if we grant you permission to publish and file an individual tariff.

(c) Data showing that the rates and charges contained in the proposed tariff are fair, just, reasonable, and sufficient.

(2) **How are individual carrier filed tariffs processed?**

(a) We review individual carrier filed tariffs:

(i) For compliance with laws and rules relating to content and format;

(ii) To ensure rates are fair, just, reasonable, and sufficient; and

(iii) For reasonableness and accuracy.

(b) If tariffs are incomplete or do not comply with laws and rules, staff will discuss the issues with the carrier and require that corrected tariffs be filed.

(c) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. One copy of the tariff marked "approved" will be returned with the order.

(3) **How does the commission consider proposals to amend individual carrier filed tariffs?** When we receive your proposed tariff amendment we will:

(a) Assign a docket number;

(b) Schedule each proposed tariff amendment for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed amendment, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff proposed amendment;

(d) Process your proposed tariff amendment under the procedures established in chapter 480-09 WAC; and

(e) Notify you of the disposition of your proposed tariff amendment. If the filing is approved, we will notify you of the date upon which the tariff amendment becomes effective.

(4) **What happens if I don't charge the rates and charges in my tariff?** You are subject to administrative action (see WAC 480-15-130(3)) if you charge rates or charges different from those contained in your tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-520, filed 12/15/98, effective 1/15/99.]

## Part 3.4 - Insurance

**WAC 480-15-530 Public liability and property damage insurance.** (1) **What insurance am I required to obtain?** Before operating under a household goods permit, you must have public liability and property damage insurance covering each motor vehicle that you use, or that you will use, to transport household goods in the state of Washington.

(a) Your policy must be written by an insurance company authorized to write insurance in Washington state.

(b) Your policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement, Form F.

(c) If you operate motor vehicles without the required insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) **What are the minimum insurance limits?** The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) Motor vehicles with a gross vehicle weight rating of less than ten thousand pounds must have at least three hundred thousand dollars in combined single limit coverage.

(b) Motor vehicles with a gross vehicle weight rating of ten thousand pounds or more must have at least seven hundred fifty thousand dollars in combined single limit coverage.

(3) **Am I required to file proof of insurance?** Yes, you must file a Uniform Motor Carrier Property Damage and

Public Liability Certificate of Insurance (Form E) as a condition of maintaining your household goods permit.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry. In most cases your insurance agent must request that the insurance company file the Form E with us.

(b) Your Form E filing must be issued in exactly the same name as your permit.

(c) Your Form E filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with us no less than thirty days before the cancellation effective date.

(d) You may file a Uniform Motor Carrier Property Damage and Public Liability Surety Bond (Form G) instead of the Form E.

(4) **May I file an insurance binder?** We will accept an insurance certificate or binder for up to sixty days. A certificate or binder may be canceled by filing written notice with us at least ten days before the cancellation effective date. A certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(a) Certificates or binders must show:

(i) The commission as the named certificate holder;

(ii) Your name, exactly as it appears on your permit or application, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The effective and expiration dates; and

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-530, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-540 What happens if my insurance filing is canceled?** If your insurance filing is canceled, and a new filing which provides continuous coverage is not filed with us, we may:

(1) Dismiss your application for a permit; and/or

(2) Suspend your permit under the provisions of WAC 480-15-430 and/or 480-15-450.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-540, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-550 Cargo insurance.** (1) **What are the cargo insurance requirements?** You must have cargo insurance coverage sufficient to protect all household goods that you transport under your permit. If you transport household goods under your permit without the required cargo insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) **What are the minimum cargo insurance limits?** The minimum limits of required cargo insurance are:

(a) Ten thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.

(b) Twenty thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) **Am I required to file proof of cargo insurance?** No, you are not required to file proof of your cargo insurance with us. You must have proof of cargo insurance at your main office available for inspection by commission representatives.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-550, filed 12/15/98, effective 1/15/99.]

## Part 4 - EQUIPMENT AND SAFETY REQUIREMENTS

### Part 4.1 - Equipment

**WAC 480-15-560 Equipment safety requirements.** (1) **What are the commission's equipment safety requirements?** All motor vehicles operated under the provisions of this chapter must be at all times:

(a) Maintained in a safe and sanitary condition;

(b) Free of defects likely to result in an accident or breakdown; and

(c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) **How does the commission enforce these requirements?** Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) **How must a household goods carrier identify its motor vehicles?** A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

(a) All markings on the power unit must be:

(i) Clearly legible;

(ii) No less than three inches high;

(iii) In a color that contrasts with the background color; and

(iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) **What vehicle safety laws and rules must a household goods carrier follow?**

(a) You must comply with:

(i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

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

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

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

(C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation; and

(D) 49 CFR Part 396: Inspection, Repair, and Maintenance.

(b) If you fail to comply with these laws and rules, the commission may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) **Are household goods carriers required to equip their motor vehicles with anti-spray devices (mud flaps)?**

(a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-560, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-560, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-560, filed 12/15/98, effective 1/15/99.]

## Part 4.2 - Drivers' Requirements

**WAC 480-15-570 Driver safety requirements.** (1) **What are the commission's driver safety requirements?** No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

(a) Driver's licensing;

(b) Background and character;

(c) Physical qualifications;

(d) Hours of service; and

(e) Controlled substances and alcohol use testing.

(2) **How does the commission enforce those requirements?** Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999. No driver who has been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) **Driver qualification requirements.**

(a) You must comply with:

(i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

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

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

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

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

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) **Exceptions to the requirements in this rule.** The following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

(ii) 49 CFR Part 391.23: Investigation and Inquiries;

(iii) 49 CFR Part 391.25: Annual Review of Driving Record;

(iv) 49 CFR Part 391.27: Record of Violations;

(v) 49 CFR Part 391.31: Road Test; and

(vi) 49 CFR Part 391.33: Equivalent of Road Test.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-570, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-570, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-570, filed 12/15/98, effective 1/15/99.]

### Part 4.3 - Accidents

**WAC 480-15-580 Accident reporting.** (1) **When must I report a vehicle accident to the commission?** You must report to the commission, within twenty-four hours, any accident occurring within the state of Washington which:

(a) Results in bodily injury to any person who as a result of the injury requires immediate medical treatment away from the scene of the accident;

(b) Results in the death of any person;

(c) Results in damage to any motor vehicle which is severe enough to require the motor vehicle to be transported from the scene by a tow truck or other motor vehicle;

(2) **How do I report accidents?** You may report accidents to the commission by providing your name or company name, your permit number; the date, time and location of the accident; and the nature of the accident by:

(a) Telephoning 1-800-562-6150 (if calling from within Washington) or 360-664-1222 (if calling from outside Washington); or

(b) Sending a FAX to 360-586-1150.

(3) **What accident records must I keep?** You must retain copies of all written accident reports for the period of one year from the date of the accident. You must keep the copies in your main office, subject to inspection by commission representatives.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-580, filed 12/15/98, effective 1/15/99.]

### Part 4.4 - Equipment Leasing

**WAC 480-15-590 What is the procedure for leasing vehicles?** (1) You must receive commission approval before you may operate a leased motor vehicle. To request approval you must submit a completed lease agreement on a form supplied by the commission, or an alternate form as long is it contains substantially the same information as that on the commission form. The form must be:

(a) Completed in its entirety (we will reject and return incomplete forms);

(b) Signed by both parties;

(c) Submitted in duplicate (we will return one approved copy to you);

(d) Clearly marked "master lease" if you intend it to be used as such in lieu of submitting individual leases; and

(e) Submitted through any means identified in WAC 480-15-060.

(2) We may institute administrative action as described in WAC 480-15-130(3) against any household goods carrier who operates leased motor vehicles without first having obtained commission approval.

(3) You are not required to file a lease for approval on an emergency substitution of a disabled vehicle.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-590, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-600 What are my responsibilities when entering into a lease?** When entering into a lease agreement, it is your responsibility to ensure that:

(1) A copy of the approved lease is carried in all leased motor vehicles;

(2) Copies of all approved leases are kept in your permanent files for at least one year after the lease expires;

(3) You give a copy of the approved lease to the owner of the leased motor vehicle;

(4) You have complete possession, control and use of the motor vehicle during the period of the lease agreement;

(5) You provide insurance on the leased motor vehicle as specified in WAC 480-15-530 and/or 480-15-550;

(6) You properly identify the motor vehicle as specified in WAC 480-15-560(3);

(7) The appropriate tariff rates and charges are billed and collected;

(8) The driver of the leased motor vehicle is on your payroll during the leased period;

(9) You comply with all safety rules;

(10) You and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles; and

(11) You comply with the terms of the approved lease.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-600, filed 12/15/98, effective 1/15/99.]

## Part 5 - CARRIER'S RESPONSIBILITIES TO SHIPPERS

### Part 5.1 - General Responsibilities

**WAC 480-15-610 What are my responsibilities regarding advertising?** (1) You must include your permit number in any advertising of your household goods moving services. Advertising includes, but is not limited to, reference to your services on your vehicles, equipment, and in telephone books, Internet, contracts, correspondence, cards, signs, posters, newspapers, and documents which show your name and address.

(2) You may only advertise services authorized by your permit.

(3) You may advertise services you provide as an agent of, or connecting carrier to, another household goods carrier if you include the name and permit number of the other household goods carrier in your advertising.

(4) You must not advertise services or rates and charges that conflict with those in the tariff.

(5) If you violate these advertising rules we may assess a penalty of up to five hundred dollars for each violation, or initiate other administrative action. See WAC 480-15-130(3).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-610, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-620 Information household goods carriers must provide to customers.** (1) You must give each customer a copy of the commission brochure, *"Your Rights and Responsibilities as a Moving Company Customer"*:

(a) At the time you issue a written nonbinding estimate;

(b) At the time you issue a written binding estimate;

(c) If you issue neither a written estimate or a written nonbinding estimate, prior to loading the shipment; or

(d) Upon request, by the customer.

(2) The brochure is available from the commission and contains consumer information about selecting a moving company, estimates, rates and tariff charges, payment terms, change orders, supplemental estimates, preparing articles for shipment, valuation protection for loss and damage of goods, expedited service, small shipments, temporary storage, bill of lading contracts, loss and damage claims, informal complaints, and formal complaints. The commission may also present information in different formats for various media (printed materials, on-line materials, fact sheets, brochures, etc.).

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-620, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-620, filed 12/15/98, effective 1/15/99.]

## Part 5.2 - Estimates

**WAC 480-15-630 Estimates.** An **estimate** is a written approximation of the probable cost of a move prepared in compliance with the provisions of the household goods tariff. Estimates are based on factors such as the van space required, the weight of the household goods, the amount of time needed to complete the move, and the type of special services provided. You may provide your customer with either of **two** basic types of estimates:

(1) A **nonbinding estimate** which is based on an inventory of the customer's goods and provides the customer with a pricing guideline. There is no contractual commitment to this estimate, and the final charges the customer must pay could be higher or lower than the estimated cost, depending on the actual weight of the shipment, the total time consumed, or physical location at the origin and destination, or other conditions of the move; or

(2) A **binding estimate** which allows the customer to know in advance what the move will cost, regardless of differences in the actual weight or time to complete the move.

(a) The basis (such as inventory sheets, tally sheets, special instructions, etc.) used to provide a binding estimate must be attached to the bill of lading.

(b) Any change to the move, by the customer, that results in an increase in cost must be documented on a supplemental estimate form which also must be attached to the bill of lading.

(c) A binding estimate cannot exceed the highest authorized tariff rate. If a binding estimate exceeds the highest tariff rate, the carrier may not collect more than the highest authorized tariff rate.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-630, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-640 Verbal estimates.** (1) **May I give verbal estimates to prospective shippers?** Verbal estimates are not allowed. Household goods carriers must provide all estimates to prospective shippers in writing.

(2) **What if the shipper requests a verbal estimate?** You must tell the shipper that verbal estimates are prohibited. However, you may inform the shipper of the applicable legal rates. For example, you may say:

(a) The hourly rate for a van and one person is (state the dollar amount you charge within the tariff range); or

(b) The rate per one hundred pounds from (origin) to (destination) is (state the dollar amount you charge within the tariff range).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-640, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-650 Form of estimates.** (1) **When must a household goods carrier provide a written estimate?** If a customer requests an estimate, you must provide a written estimate only after you, or your representative, have visually inspected the goods to be shipped.

(2) **What must a household goods carrier include on a written estimate?** Your written estimate must include the following information:

(a) The name, address and telephone number of the household goods carrier who will perform the service;

(b) The name, company affiliation, title and telephone number of the person preparing the estimate;

(c) The name of the customer and the receiver of the goods;

(d) The complete physical address of the origin, destination and any intermediate stops of the proposed movement;

(e) The total mileage between the origin and destination, including any intermediate stops;

(f) The rates on which the estimated charges will be based;

(g) A list of the articles upon which the estimate is based (inventory);

(h) The estimated cubic footage for each article;

(i) The estimated total weight of the shipment, based upon a formula of not less than seven pounds per cubic foot (example: A box one foot by one foot by one foot = seven pounds);

(j) An itemized statement of all known accessorial services to be performed, articles supplied, and their charges;

(k) An estimate of the total charges, including transportation and accessorial charges;

(l) A printed statement on the first page of a nonbinding estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

IMPORTANT NOTICE

This nonbinding estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. If you request additional services to complete the move or add articles to the inventory attached to this estimate, the household goods mover must prepare a supplemental estimate which will change the amount of the original estimate and may change the rate on which these new charges are based.

Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, except as provided below:

(1) A household goods carrier may not charge more than twenty-five percent more than its written nonbinding estimate for time charges for a local hourly rated move nor can the household goods carrier charge more than fifteen percent more than the written nonbinding estimate for accessorial and other services not related to time, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(2) A household goods carrier may not charge more than fifteen percent above your written nonbinding estimate for a long-distance-rated move, unless the household goods carrier prepares and the customer signs a supplemental estimate.

(3) **Must the customer sign the estimate?** Yes, customers must sign the written estimate.

(4) **How long must a household goods carrier keep written estimates?** You must keep a written estimate in your files for at least two years after you conduct the move.

(5) **What if a household goods carrier is unable to provide a written estimate?** If a customer requests a written estimate and you refuse to provide one, you may not conduct that move by agreeing to meet or beat another company's estimate.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-650, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-650, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-660 Supplemental estimates.** (1) **When must a household goods carrier prepare a written supplemental estimate?** You must provide a written supplemental estimate if you have given the customer a written estimate and the circumstances surrounding the move change in any way to cause the rate for service or the estimated charges to increase.

(2) **What rates must a household goods carrier use to prepare a supplemental estimate?** When providing a supplemental estimate you must not apply a higher rate to the articles and services identified in the original estimate. You may choose to use a higher rate for new services or additional articles not included in the original estimate.

(3) **Must the customer sign the supplemental estimate?** Yes, the customer must sign the supplemental estimate or the additional work cannot be performed.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-660, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-660, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-670 Exceptions for nonbinding estimates.** (1) **What must I do if the actual charges exceed the estimated charges?** If the actual charges exceed the estimated charges, you must:

(a) Inform the shipper of this rule as soon as possible; and

(b) Release the shipment when the shipper pays you one hundred ten percent of the estimated charges.

(2) **How long must I allow the shipper to pay the remaining balance?** If the actual charges exceed the estimated charges and the shipper has paid you one hundred ten percent of the estimated charges, you must allow the shipper at least thirty days to pay the remaining balance. Credit and payment schedules for shipments delivered into storage are in the commission tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-670, filed 12/15/98, effective 1/15/99.]

## Part 5.3 - Underestimates

**WAC 480-15-680 Am I required to provide an accurate estimate?** It is your responsibility to issue an accurate estimate to the shipper. Shippers must be able to base their moving decisions on accurate information. This cannot occur unless you provide an accurate estimate.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-680, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-690 What will happen if I underestimate a household goods move?** (1) You may not charge more than twenty-five percent above your written nonbinding estimate for time charges for a local hourly rated move nor can you charge more than fifteen percent above your written nonbinding estimate for accessorial and other services not related to time, unless the shipper signs a supplemental estimate.

(2) You may not charge more than fifteen percent above your written nonbinding estimate for a long distance-rated move, unless you obtain a shipper signed supplemental estimate.

(3) We may take administrative action against household goods carriers who fail to provide accurate estimates. Administrative actions may include, but are not limited to:

(a) Assessing penalties of up to one thousand dollars, per incident, under RCW 81.80.132;

(b) Suspending your permit;

(c) Initiating a proceeding to cancel your permit;

(d) Denying permanent authority if you are operating under temporary authority; or

(e) Limiting collection of excess charges.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-690, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-700 What are the commission's guidelines in deciding to assess monetary penalties for underestimating?** The commission may assess monetary penalties against you for underestimating a move when:

(1) On long distance-rated moves, the actual total charges exceed the estimated and supplemental estimated charges by fifteen percent;

(2) On local (hourly) rated moves:

(a) The actual time charges exceed the estimated and supplemental estimated time charges by twenty-five percent; or

(b) The actual charges for accessorial and other services not related to time charges exceed the estimated charges for those services by fifteen percent.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-700, filed 12/15/98, effective 1/15/99.]

## Part 5.4 - Bills of Lading

**WAC 480-15-710 What is a bill of lading?** A bill of lading is a shipping document issued by the household goods carrier, signed by both the shipper and the household goods carrier, that establishes the legal contract terms and conditions for a shipment of household goods.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-710, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-720 Who must issue bills of lading?** You must issue a bill of lading for each shipment of household goods you transport.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-720, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-730 What is the format for bills of lading?** You must use the bill of lading format shown in our published tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-730, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-740 Information required on a bill of lading.** You must list on the bill of lading all information necessary to determine tariff rates and charges. Any element that you use in determining transportation charges must be clearly shown on the bill of lading. This information includes, but is not limited to:

(1) The date the shipment was packed, loaded, transported, delivered, unloaded and unpacked;

(2) The number and size of each type of carton, crate, or container used in packing the customer's goods;

(3) The exact address at which the shipment, or any part of that shipment, was loaded or unloaded;

(4) The nature of any special services performed on behalf of the customer;

(5) The name, address, and total charges of any third party services incurred on behalf of the customer;

(6) Any special circumstances that entered into the determination of transportation charges (for example: Detours or road conditions that required you to take a circuitous route, thus incurring additional mileage charges);

(7) The start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates:

(a) In lieu of recording each person's start time, stop time, and interruptions on the bill of lading, a carrier may maintain a separate, but complete, record of each person's activities in sufficient detail to verify the proper rates and charges.

(b) A carrier must be able to identify, through payroll records, each person involved in a move and provide that information to commission staff on request.

(c) In all cases a carrier must record on the bill of lading the start time and stop time of any hourly rated move, and any interruptions in service;

(8) On any shipments where the customer did not receive a written estimate, you must make a notation on the bill of lading that the customer was given a copy of the brochure *"Your Rights and Responsibilities as a Moving Company Customer."* The customer must initial on or near your notation on the bill of lading, acknowledging receipt of the information.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-740, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-740, filed 12/15/98, effective 1/15/99.]

## Part 5.5 - Shipment Weights

**WAC 480-15-750 How do I verify the weight of distance-rated shipments of household goods?** (1) You must obtain all tare and loaded weights by having your motor vehicles weighed by a certified weighmaster or on a certified scale;

(2) You must obtain a certified tare weight prior to loading the shipper's goods;

(3) You must obtain a certified loaded weight at the point of origin, or:

(a) If no certified scale is available at the point of origin, you may obtain the loaded weight at the first certified scale located along the route of travel to the destination point; or

(b) If no certified scale is available at the point of origin, at a point along the route to the destination, or at the destination point, you may use the constructive weight of the shipment;

(4) You must obtain a weight or scale ticket from the weighmaster or scale for the tare and loaded weights, and you must maintain a copy of those tickets with the bill of lading

for the shipment. The weight ticket must include substantially the same information shown below:

Household Goods Uniform Weight Ticket

Date:_____

Name of carrier: _____
Vehicle identification: _____
Name of shipper: _____
Origin of shipment: _____
Destination of shipment: _____
LOADED WEIGHT of vehicle without the crew _____#
TARE WEIGHT of vehicle (without the crew on board, including full fuel tank and all necessary pads, chains, hand trucks, and other equipment) _____#
NET WEIGHT of shipment _____#

**The above loaded weight was obtained at**
Name of scales: _____
Location of scales: _____

**The above tare weight was obtained at**
Name of scales: _____
Location of scales: _____

As shown by attached weight ticket(s) prepared by weigh-master(s). List of shipments, if any, on vehicle at time above weights were obtained:
Shipper: _____ Net weight_____
Shipper: _____ Net weight_____
Shipper: _____ Net weight_____

I certify the above entries are true and correct:

_____
(Driver's signature) _____

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-750, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-760 What are my responsibilities to notify the shipper of the actual weight and charges for the shipment?** If the shipper requests notice of the actual weight and charges of the shipment following pick-up, you must notify the shipper by whatever means you and the shipper agree upon, immediately after weighing the shipment. You are responsible for the cost of notifying the shipper.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-760, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-770 Must I reweigh the shipment at the point of delivery if the shipper requests it?** Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must notify the shipper of the cost of reweighing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-770, filed 12/15/98, effective 1/15/99.]

## Part 5.6 - Refusal of Service

**WAC 480-15-780 When may I refuse to provide service to a shipper?** You may refuse to provide service to a shipper if:

(1) The move will cause you to travel outside of the service territory listed on your permit;

(2) Service to a shipper will adversely affect service to other shippers, subject to review by the commission;

(3) The shipper fails to provide accurate and verifiable information necessary to establish the shipper's identity;

(4) The shipper uses an alias or false name with intent to deceive;

(5) The service is hazardous, or where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate a motor vehicle;

(6) When driving onto private property, in your judgment, driveways or roads are improperly constructed or maintained, or without adequate space to turn around, or have other unsafe conditions;

(7) Satisfactory service cannot be given, or providing service would adversely affect the health or safety of your employees;

(8) You do not have suitable equipment necessary to perform the service.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-780, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-790 When must I not refuse service?** You must not refuse service due to discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-790, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-795 Payment options.** You may accept payment for a move by cash, money order, or certified check. You may also extend credit to your customer, at your option, by accepting a personal check or credit card. However, if you agree to accept credit terms at the beginning of the move, you must accept the same credit terms for payment of any monies due to you during any part of the move and at the end of the move for the final payment.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-795, filed 12/15/98, effective 1/15/99.]

## Part 5.7 - Complaint and Claim Procedures

**WAC 480-15-800 What must I do if a shipper is not satisfied with my service?** If a shipper is not satisfied with your service, you must allow the shipper to speak with you, or a representative of your company, and you must provide

the shipper with all information and forms necessary to file a complaint or claim. The shipper has nine months from the delivery date or the date the household goods should have been delivered, to file a claim for loss and damage. The shipper must pay all proper charges for the move prior to filing a claim for loss or damage.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-800, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-810 What must I do when I receive a complaint or claim?** If your shipper files a complaint or claim concerning loss or damage, or your general service operations, or rates and charges, you must:

(1) Notify the customer, in writing, within ten working days that you have received the claim or complaint;

(2) Investigate the claim or complaint quickly;

(3) Advise the shipper of your resolution; and

(4) If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within one hundred twenty days.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-810, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-820 What must I do if I cannot resolve a claim within one hundred twenty days?** If you cannot resolve a loss or damage claim with your shipper within one hundred twenty days, you must, for each sixty-day period until the claim is settled, inform your shipper, in writing, of the reason for your failure to resolve the claim or clearly state your final offer or denial and close the claim.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-820, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-830 How long must I keep complaint and claim records?** (1) You must keep all papers relating to claim records for loss or damage, concealed or otherwise, for six years.

(2) You must keep all records of complaints in your office for not less than three years after the date of the shipment, or date of resolution, whichever is later.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-830, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-840 Are complaint or claim records subject to commission review and in what order must I keep the records?** Yes, complaint or claim records are subject to commission review. You must number all complaints and claims consecutively and maintain a complaints and claims register.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-840, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-850 What additional requirements exist if a claim involves more than one carrier?** If more than one household goods carrier is involved in a damage claim, each household goods carrier must keep all paperwork relating to the claim, and each must show the percentage and amount of the total claim paid by each.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-850, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-860 What information must be included in the claim or complaint record?** You must include, at a minimum, the following information in a claim or complaint record:

(1) The date the claim or complaint was received;

(2) The name, address and telephone number of the shipper;

(3) Detailed information about the dispute;

(4) Details of any action you have taken in response to the claim or complaint; and

(5) The date the claim or complaint was resolved and a description of the final disposition.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-860, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-870 What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim?** If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of the commission for further review. You must provide the shipper with the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-870, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-880 Must I respond to all written correspondence, complaints and claims?** You must acknowledge and consider all written correspondence, complaints and claims.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-880, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-890 What must I do if the commission refers a complaint to me?** You must:

(1) Respond with complete investigation results within five business days. However, small businesses, as defined in WAC 480-15-020, must respond within ten business days. In addition, any person may request and commission staff may grant, if warranted, an extension of time for a specific number of days;

(2) Respond to commission staff inquiries regarding the complaint; and

(3) Keep the commission currently informed of any progress made in resolving the complaint.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-890, filed 12/15/98, effective 1/15/99.]

## Part 6 - INTERSTATE OPERATIONS

**WAC 480-15-900 General requirements for interstate operations.** (1) **General requirements:** No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the household goods carrier has:

(a) Obtained the appropriate operating authority from the U.S. Department of Transportation (USDOT) or its successor agency, if operating as a registered carrier;

(b) Obtained valid insurance as required by USDOT;

(c)(i) Registered with a base state as required by 49 CFR Part 1023, if operating as a registered carrier; or

(ii) Registered with the commission if operating as a registered exempt carrier; and

(d) Paid the annual Washington state registration fee for the vehicle.

(2) **Applicable laws and rules:**

(a) When conducting interstate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to interstate operations.

(b) When conducting Washington intrastate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to intrastate operations.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-900, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-910 How do I register as a registered carrier?** (1) Washington participates in the base state insurance registration program established in 49 USC § 11506 and 49 CFR part 1023. To register as a registered carrier in interstate commerce within the state of Washington, you must register with a base state, pay the appropriate fee for any motor vehicles operated within Washington state, and show proof of insurance.

(2) **Motor carriers based outside of Washington state.** Any motor carrier whose base state, as defined in federal regulation, is a state other than the state of Washington must register with that state and carry a legible receipt in each motor vehicle operated within the state of Washington showing base state registration, payment of the appropriate per vehicle fee, and proof of insurance.

(3) **Washington-based motor carriers.** Any motor carrier whose base state, as defined in federal regulation, is Washington state must register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each Washington-based interstate motor carrier must apply to the commission to register for the following year, on forms provided by the commission.

(b) The registering motor carrier must state the number of motor vehicles to be operated in each participating state, provide other required information, such as proof of insurance, and submit the registration fee established by that state for each motor vehicle.

(c) Within thirty days after receiving the registration fee and application, the commission will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its USDOT permit number, and the names of the states for which it is registered.

(d) The motor carrier must place a receipt or an authorized copy in each motor vehicle for which it has paid the required fee.

(e) Any Washington-based motor carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of motor vehicles to be operated in each state and submitting the required information and registration fee for each motor vehicle. The commission will provide a new receipt, if the motor carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the motor carrier has registered.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-910, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-920 How do I register as a registered exempt carrier?** (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority issued by the USDOT or its successor agency, you may not operate over the public highways of the state of Washington unless you register with the commission between August 1 and November 30 of each year, or at any time after November 30 when you begin interstate exempt operations, or when you will operate additional motor vehicles within the state.

(2) To register with the commission as a registered exempt carrier, you must:

(a) Complete a registration application on a form provided by the commission;

(b) Identify the number of motor vehicles you will operate within the state;

(c) Pay the registration fee for each motor vehicle; and

(d) Provide proof of insurance.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-920, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-930 Registration fee and receipts.** (1) **Registration fee.** The annual registration fee for registered and registered exempt carriers in Washington state is ten dollars for each motor vehicle operated in interstate commerce over the public highways of the state.

(2) **Registration receipts.**

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each motor vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use a registration receipt issued by the commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-930, filed 12/15/98, effective 1/15/99.]

**WAC 480-15-940 Insurance requirements for interstate operations.** Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount prescribed by the USDOT or its successor agency written by a company authorized to write insurance in any state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-940, filed 12/15/98, effective 1/15/99.]

## Part 7 - ADOPTION BY REFERENCE

**WAC 480-15-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-15-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-999, filed 9/28/01, effective 10/29/01.]

# Chapter 480-30 WAC
# AUTO TRANSPORTATION COMPANIES

WAC


480-30-010 Definitions.
480-30-020 Licenses, and rules and regulations.
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480-30-040 Express.
480-30-045 Auto transportation company C.O.D. shipments tariff requirements—Bond required—Handling of shipments.
480-30-050 Tariff, naming rates and fares.
480-30-060 Schedule of time and route.
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480-30-080 Self insurance.
480-30-090 Equipment of motor vehicles.
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480-30-097 Equipment—Inspection—Ordered for repairs.
480-30-100 Operation of motor vehicles.
480-30-105 Depot and terminal facilities.
480-30-110 Fees and gross operating revenue.
480-30-120 Uniform system of accounts and annual reports.
480-30-130 Rules and regulations—General application.
480-30-999 Adoption by reference.


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

480-30-015 Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

480-30-035 Certificates—Private, nonprofit transportation providers. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-035, filed 8/9/79.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

**WAC 480-30-010 Definitions.** (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate authorized to be issued to an auto transportation company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(9) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses,

motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company certificated under chapter 81.68 RCW.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-010, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-010, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-010, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-010, filed 8/9/79; Order R-78, § 480-30-010, filed 10/15/75; Order R-5, § 480-30-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-020 Licenses, and rules and regulations.** No motor vehicle may be operated upon the public highways of this state by any auto transportation company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-020, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-020, filed 7/11/84; Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-030 Certificates—Auto transportation companies.** (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5) Every auto transportation company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

(6) All auto transportation companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

(a) Description of each vehicle used;

(b) Number of trips and to what points each of said vehicles was operated;

(c) Drivers' time sheets for each day's employment;

(d) Copies of all accident reports.

(7) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

(8) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection (9) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

(9) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested and accompanied by the application fee named in subsection (11) of this section.

(10) Application for sale, lease, or transfer, or for authority to mortgage a certificate or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information requested and accompanied by the application fee named in subsection (11) of this section.

(11) Miscellaneous fees:

| | |
|---|---|
| Application for certificate | $150.00 |
| Application for extension of service, line or route under a certificate | 150.00 |
| Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein | 150.00 |
| Application for authority to mortgage a certificate | 35.00 |
| Application for issuance of a duplicate certificate | 3.00 |

(12) All applications for a duplicate certificate must be accompanied by affidavit of the holder stating that the original certificate has been lost or destroyed.

(13) Whenever an order is entered by the commission revoking a previous order granting a certificate, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for reinstatement shall pay the fee required by the rules for an original application.

(14) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-030, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-30-030, filed 7/13/93 effective 8/13/93; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-030, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-030, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-030, filed 8/9/79; Order R-78, § 480-30-030, filed 10/15/75; Order R-50, § 480-30-030, filed 8/8/73; Order R-5, § 480-30-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-032 Notice of application; protests; contemporaneous applications.** (1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding. Any person who is eligible to file a protest to an application but fails to do so, absent a showing of good cause, is precluded from participating in any hearing upon the application or in any further stage of the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days after the mailing of the notice of filing of the initial application in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days after mailing of the notice of filing of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the pending application and any other application which qualifies for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-032, filed 5/5/94, effective 6/5/94. 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), § 480-30-032, filed 10/30/91, effective 11/30/91.]

**WAC 480-30-040 Express.** (1) All auto transportation companies transporting express are required to issue at the time of accepting shipment an express receipt covering each express shipment. Such express receipt must be itemized to show:

(a) Name of carrier.
(b) Point of origin and date of shipment.
(c) Shipper.
(d) Consignee.
(e) Destination.
(f) Routing optional.
(g) Number of packages.
(h) Description of articles.
(i) Weight.
(j) Rate.
(k) Express charges.
(l) Advance charges.
(m) Prepaid charges.
(n) C.O.D. charges.
(o) Total to collect.
(p) Signature of auto transportation company or its agent.
(q) Signature of shipper.

Not less than three copies of such express receipt must be issued, one to be given to the shipper, one copy to be retained by the auto transportation company, and in cases where such auto transportation company does not issue an expense bill covering such shipment, one copy of the express receipt shall be delivered to the consignee, or connecting line carrier.

Copies of express receipts retained by the auto transportation company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the commission.

No auto transportation company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No auto transportation company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No auto transportation company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed

by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives; black, brown or smokeless powders, ammunition (other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naptha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film in passenger-carrying vehicles of auto transportation companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal rules and regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service nor use the word "express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service.

[Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-040, filed 7/11/84; Order R-5, § 480-30-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-045 Auto transportation company C.O.D. shipments tariff requirements—Bond required—Handling of shipments.** (1) No auto transportation company transporting express freight under authority of its certificate shall render any C.O.D. services unless such company has published, posted and filed tariffs which contain the rates, charges and rules governing such service.

(2) For good cause any auto transportation company handling C.O.D. shipments may be required to file with the commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the commission, conditioned upon such company making compensation to shippers and consignees for all moneys belonging to them and coming into his possession in connection with such transportation service.

(3) Where a shipper directs in writing that partial deliveries may be allowed on such C.O.D. shipments, the full transportation charge, if "collect," shall be made, and the shipper notified that the undelivered portion of the shipment is held pending his instructions and, after five days, will be subject to storage charges.

(4) Any company accepting checks from any consignee for payment of such C.O.D. collections does so at its own risk.

(5) Upon collection of a C.O.D. bill, auto transportation companies collecting same shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee, promptly and within twenty-five days after delivery of the C.O.D. shipment to the consignee.

The delivering company shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (a) Number and date of express bill; (b) name and address of shipper or other person designated as payee; (c) name and address of consignee; (d) date shipment delivered; (e) amount of C.O.D.; (f) date collected by delivering company; (g) date remitted to payee; (h) check number or other identification of remittance to payee.

Partial delivery shall not be made without express written consent of the shipper, who shall furnish disposition of the remainder of the shipment.

[Statutory Authority: RCW 80.01.040 and 81.68.030. 80-12-025 (Order R-152, Cause No. TC-1369), § 480-30-045, filed 8/27/80.]

**WAC 480-30-050 Tariff, naming rates and fares.** (1) Every auto transportation company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, (stating the commission's mailing address)."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies.

(5) No auto transportation company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract

or agreement, the form of which has previously been approved by the commission.

[Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-050, filed 5/5/94, effective 6/5/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-050, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-050, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-060 Schedule of time and route.** (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

**1st.** Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

**2nd.** Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

**3rd.** The termini or points between which the time schedule applies, briefly stated.

**4th.** Route traversed, definitely outlined, showing exact location of depot at all terminals.

**5th.** Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

**6th.** The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

**1st.** The time of **arrival** and **departure** at and from all **termini**.

**2nd.** The time of **departure** from intermediate points between termini.

**3rd.** The distance between all points shown in the schedule.

**4th.** Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys, (Certificate No. 88)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 — Effective June 10, 1967
Issued by Walter A. Keys
Title, Owner and Manager
St. Address, 123 So. Wenatchee Ave.
City and State, Wenatchee, Washington
Authority
M. V. L. S. N. No. 400
Dated June 8, 1967

WESTBOUND

| Mileage | From Wenatchee to | | @ AM | # AM | Daily AM | Daily PM | @ PM | Daily PM | × PM |
|---|---|---|---|---|---|---|---|---|---|
| 0.0 | Wenatchee | Lv. | 7:00 | 8:30 | 11:00 | 1:30 | 3:30 | 5:30 | 9:30 |
| 2.7 | Wenatchee River Bridge | " | 7:08 | 8:38 | 11:08 | 1:38 | 3:38 | 5:38 | 9:38 |
| 3.3 | Olds Corner | " | 7:09 | 8:39 | 11:09 | 1:39 | 3:39 | 5:39 | 9:39 |
| 4.4 | Sunnyslope Bridge | " | 7:12 | 8:42 | 11:12 | 1:42 | 3:42 | 5:42 | 9:42 |
| 6.0 | Burkeys Corner | " | 7:16 | 8:46 | 11:16 | 1:46 | 3:46 | 5:46 | 9:46 |
| 8.1 | Monitor P. O. | " | 7:23 | 8:53 | 11:23 | 1:53 | 3:53 | 5:53 | 9:53 |
| 9.3 | Red Bridge | " | 7:29 | 8:59 | 11:29 | 1:59 | 3:59 | 5:59 | 9:59 |
| 12.5 | Cashmere | Ar. | 7:40 | 9:10 | 11:40 | 2:10 | 4:10 | 6:10 | 10:10 |

EASTBOUND

| Mileage | From Cashmere to | | @ AM | # AM | Daily AM | Daily PM | @ PM | Daily PM | × PM |
|---|---|---|---|---|---|---|---|---|---|
| 0.0 | Cashmere | Lv. | 8:00 | 9:30 | 12:30 | 2:30 | 4:30 | 6:20 | 10:15 |
| 3.1 | Red Bridge | " | 8:11 | 9:41 | 12:41 | 2:41 | 4:41 | 6:31 | 10:26 |
| 4.4 | Monitor P. O. | " | 8:16 | 9:46 | 12:46 | 2:46 | 4:46 | 6:36 | 10:31 |
| 6.5 | Burkeys Corner | " | 8:22 | 9:52 | 12:52 | 2:52 | 4:52 | 6:42 | 10:37 |
| 8.1 | Sunnyslope Bridge | " | 8:29 | 9:59 | 12:59 | 2:59 | 4:59 | 6:49 | 10:44 |
| 9.2 | Olds Corner | " | 8:31 | 10:01 | 1:01 | 3:01 | 5:01 | 6:51 | 10:46 |
| 9.8 | Wenatchee River Bridge | " | 8:32 | 10:02 | 1:02 | 3:02 | 5:02 | 6:52 | 10:47 |
| 12.5 | Wenatchee | Ar. | 8:40 | 10:10 | 1:10 | 3:10 | 5:10 | 7:00 | 11:00 |

Explanatory Notes: @ Daily except Sunday; # Sunday only; × Saturday only.

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys, (Certificate No. 88)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 — Effective June 23, 1967
Issued by Walter A. Keys
Title, Owner and Manager
St. Address, 123 So. Wenatchee Ave.
City and State, Wenatchee, Wash.

| Leave Wenatchee Read Down | | | | | | Leave Cashmere Read Up | | |
|---|---|---|---|---|---|---|---|---|
| Daily | Sunday Only | Daily Ex. Sun. | Mileage | From Wenatchee to | | Daily | Sunday Only | Daily Ex. Sun. |
| AM | PM | PM | | | | AM | PM | PM |
| Lv. 11:00 | 1:30 | 5:30 | 0.0 | Wenatchee | Ar. | 10:40 | 1:10 | 5:10 |
| " 11:08 | 1:38 | 5:38 | 2.7 | Wenatchee River Bridge | Lv. | 10:32 | 1:02 | 5:02 |
| " 11:09 | 1:39 | 5:39 | 3.3 | Olds Corner | " | 10:31 | 1:01 | 5:01 |
| " 11:12 | 1:42 | 5:42 | 4.4 | Sunnyslope | " | 10:29 | 12:59 | 4:59 |
| " 11:16 | 1:46 | 5:46 | 6.0 | Burkeys Corner | " | 10:23 | 12:52 | 4:52 |
| " 11:23 | 1:53 | 5:53 | 8.1 | Monitor P. O. | " | 10:16 | 12:46 | 4:46 |
| " 11:29 | 1:59 | 5:59 | 9.3 | Red Bridge | " | 10:11 | 12:41 | 4:41 |
| Ar. 11:40 | 2:10 | 6:10 | 12.5 | Cashmere | Lv. | 10:00 | 12:30 | 4:30 |

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

**1st.** A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

**2nd.** Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the com-

mission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

**3rd.** The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

**4th.** In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No. . . ., dated . . . . ."

**5th.** The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: Provided, however, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-060, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-060, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-070 Liability and property damage insurance or surety bond.** (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person—$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—$300,000,

Vehicles having capacity of 17 or more passengers—$500,000,

For damage to property of any person other than the assured—$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we . . . . . of the City of . . . . . , State of Washington, as principal, and . . . . . , a corporation organized and existing under and by virtue of the Laws of . . . .,and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this . . . . day of . . . . . 19. . .

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company (principal herein) under and by virtue of its certificate granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

For any recovery for personal injury by one person—$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—$300,000,

Vehicles having capacity of 17 or more passengers—$500,000,

For damage to property of any person other than the assured—$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal

.....
.....
Surety

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-070, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-070, filed 7/11/84; Order R-109, § 480-30-070, filed 10/19/77; Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-080 Self insurance.** (1) Every auto transportation company which qualifies as a self-insurer under the provisions as set forth in RCW 81.68.065, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance or surety bond under the rules and regulations as herein set forth: Provided, however, That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the commission operating under the said self-insuring authority; and that the same is now in full force and effect.

Every auto transportation company qualified and acting under the self-insurer provisions of RCW 81.68.065, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-30-070(1).

[Order R-5, § 480-30-080, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-090 Equipment of motor vehicles.** (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

"W.U.T.C.
No. . . . ."

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the company number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules.

[Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-090, filed 7/11/84; Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-095 Equipment—Safety.** In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. 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, part 393, part 396, and part 397, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW. Exceptions: All auto transportation companies operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2 and 393.76. Further, with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-095, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-095, filed 5/5/94, effective 6/5/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-095, filed 12/31/91, effective 1/31/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-095, filed 2/23/89. Statutory Authority: RCW 81.68.030. 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-095, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.]

**WAC 480-30-097 Equipment—Inspection—Ordered for repairs.** (1) All motor vehicles operated under chapter 81.68 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria* in effect on the date specified in WAC 480-30-999.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-097, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-097, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-097, filed 2/27/90, effective 3/30/90.]

**WAC 480-30-100 Operation of motor vehicles.** (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall 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 highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383 and part 391, excluding section 391.2, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

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

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

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: Provided, however, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself or herself in a boisterous or disorderly manner or

is using profane language, or whose condition is such as to be obnoxious to passengers on such motor vehicle. 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.

(7) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(11) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at 1-888-606-9566. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(12) Auto transportation companies transporting passengers shall be responsible for the comfort of its patrons.

(13) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.68 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria* in effect on the date specified in WAC 480-30-999.

(14) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-100, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 94-14-013 (Order R-421, Docket No. T-940589), § 480-30-100, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-100, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-100, filed 10/31/90, effective 12/1/90; 90-13-119 (Order R-319, Docket No. TC-900312-R), § 480-30-100, filed 6/21/90, effective 7/22/90; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-100, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-100, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-30-100, filed 11/7/85; 85-20-047 (Order R-241, Cause No. TC-1904), § 480-30-100, filed 9/25/85; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-100, filed 7/11/84. Statutory Authority: RCW 81.68.030. 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-100, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-100, filed 8/14/80; Order R-5, § 480-30-100, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-105 Depot and terminal facilities.** Auto transportation companies shall, by order of the commission, be required to establish and/or maintain facilities in any city, town or location along their route or routes as shall be necessary to provide for the comfort and safety of their patrons.

[Order R-13, § 480-30-105, filed 11/28/69; Order R-8, § 480-30-105, filed 9/11/69.]

**WAC 480-30-110 Fees and gross operating revenue.** (1) Auto transportation companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. EXCEPTION: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of $10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "inde-

pendent operations" as hereinafter defined; also that revenue which such company receives from other property **owned** by it, the value of which is or should properly be included in its **fixed capital accounts**.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include **all** revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **fixed capital accounts** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., **unless** the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used **exclusively** in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are **owned** by the reporting company.

D—Rentals received from other transportation companies for the right to use stations **owned** by the reporting company, used in its auto transportation operations and included in the **fixed capital accounts** thereof.

E—Revenue received from advertising in stations and cars.

The intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) Nonoperating revenue: Is that revenue received as a return on property **owned** by the reporting company, the value of which is not included in the **fixed capital accounts** of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the **fixed capital accounts** of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the **fixed capital accounts** of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-110, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-110, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-120 Uniform system of accounts and annual reports.** (1) A uniform system of accounts is hereby adopted and prescribed for the use of Class I auto transportation companies in the state of Washington operating under chapter 81.68 RCW. Said uniform system of accounts is entitled "uniform system of accounts for Class I auto transportation companies operating under certificates."

(2) The various auto transportation companies shall all be classified as Class I.

(3) Each auto transportation company must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) of this section, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company must secure from the commission two copies of the annual report applicable to its business. The information called for by such annual report must be com-

piled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) of this section must be filed immediately covering the period from the first of the year to the date on which the auto transportation company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

[Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-30-120, filed 12/15/89, effective 1/15/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-120, filed 7/11/84. Statutory Authority: RCW 80.01.040 and 81.68.030. 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-130 Rules and regulations—General application.** (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

**1st.** Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.

**2nd.** Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-130, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-130, filed 7/11/84; Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-31 WAC

## PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

WAC


480-31-010 Purpose.
480-31-020 Application of rules.
480-31-030 Definitions.
480-31-040 Licenses, and rules and regulations.
480-31-050 Certificates.
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480-31-080 Fees and annual report.
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480-31-100 Equipment—Safety.
480-31-110 Identification of motor vehicle equipment.
480-31-120 Equipment—Inspection—Ordered for repairs.
480-31-130 Operation of motor vehicles.
480-31-140 Safety inspections.
480-31-999 Adoption by reference.


### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-31-060 Tariff. [Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-060, filed 3/27/97, effective 4/27/97.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

**WAC 480-31-010 Purpose.** The purpose of this section is to ensure that private, nonprofit transportation providers, who primarily operate by using revenues received from gov-

ernmental grants and/or charitable organizations, do so in a manner that is safe and reasonable for persons with special transportation needs.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-010, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-020 Application of rules.** These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

Cases of erroneous or doubtful interpretation of these rules by a provider or any other person or corporation are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any provider, the commission may waive or modify, as to that provider, the provisions of any rule herein, except when such provisions are fixed by statute. No deviation from these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 81.04 RCW.

The adoption of these rules will in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment or standard, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further, these rules will in no way relieve any provider from any of its duties under the laws of the state of Washington.

Whenever the designation "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in this section, such designations for the purpose of this rule will mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-020, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-020, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-030 Definitions.** Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases will, for the purpose of this chapter, mean the following:

(1) State - The state of Washington.

(2) Commission - The Washington utilities and transportation commission.

(3) Certificate - A grant of authority issued by the commission to a private, nonprofit transportation provider for the transportation of persons with special transportation needs as provided in chapter 81.66 RCW.

(4) Corporation - A corporation, company, association, or joint stock association.

(5) Public highway - Every street, road or highway in this state.

(6) Motor vehicle - Every self-propelled vehicle with seating capacity of seven or more persons, including the driver.

(7) Commercial motor vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is designed to transport sixteen or more passengers, including the driver.

(8) Person - An individual, firm, or copartnership.

(9) Private, nonprofit transportation provider - A private, nonprofit corporation providing transportation services for compensation to persons with special transportation needs.

(10) Provider - Private, nonprofit transportation provider.

(11) Persons with special transportation needs - Those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-030, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-030, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-040 Licenses, and rules and regulations.** No provider may operate a motor vehicle upon the public highways of this state until the owner of the vehicle or person lawfully responsible for the vehicle has complied with the laws of this state pertaining to licenses, obtained a certificate from the commission, and complied with all rules and regulations of the commission governing the operation of private, nonprofit transportation providers.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-040, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-050 Certificates.** (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

(a) Satisfactory proof of its status as a private, nonprofit corporation;

(b) Information sufficient to determine the particular service to be provided;

(c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070;

(d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified.

(2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.

(3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.

(4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons

with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

(7) Any certificate to operate as a private, nonprofit transportation provider obtained by any false affidavit or representation will be subject to cancellation by the commission.

(8) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-050, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-050, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-070 Insurance.** (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than sixteen passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of sixteen or more passengers, including the driver.

Failure to file and keep such insurance or surety bond in full force and effect will be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance must be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least thirty days written notice served on the insured and the commission by the insurance company. The thirty-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on ten days' written notice.

Notice of cancellation or expiration must be submitted in duplicate on forms prescribed by the commission and must not be submitted more than sixty days before the desired termination date, except binders which may be canceled by ten days' written notice from the insurance agency or company.

(5) No provider may operate upon the public highways of this state without insurance as required by this section. The permit of any provider who fails to maintain evidence on file that its insurance is in current effect will be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify providers of impending suspension for failure to maintain evidence of insurance and enter a timely order of suspension, but failure to do so will not invalidate the suspension.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-080 Fees and annual report.** (1) A provider must pay to the commission the sum of ten dollars annually for each vehicle operated. The annual fee must be paid with the filing of the annual report of the provider.

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no later than May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion to revoke a certificate.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-080, filed 3/27/97, effective 4/27/97.]

**WAC 480-31-090 Passenger complaints and disputes.** Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.

(5) When a complaint is referred to a provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must keep the commission currently informed as to progress made with respect to the

solution of, and final disposition of, the complaint. If warranted in a particular case, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-090, filed 3/27/97, effective 4/27/97.]

**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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-100, filed 9/28/01, effective 10/29/01. 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 480-31-110 Identification of motor vehicle equipment.** Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

The commission adopts by reference the provisions of federal rules cited in this section. 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 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-110, 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) in effect on the date specified in WAC 480-31-999.

(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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-120, filed 9/28/01, effective 10/29/01. 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) in effect on the date specified in WAC 480-31-999, 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 Department of Transportation in Title 49, Code of Federal Regulations, part 395 (Hours of Service of Drivers) in effect on the date specified in WAC 480-31-999, 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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-130, filed 9/28/01, effective 10/29/01. 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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-140, filed 9/28/01, effective 10/29/01. 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.]

**WAC 480-31-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-31-120.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-31-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-40 WAC
## PASSENGER CHARTER CARRIERS

WAC


480-40-010 Definitions.
480-40-020 Licenses.
480-40-030 Certificates.
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480-40-050 Self insurance.
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480-40-070 Operation of motor vehicles.
480-40-075 Equipment—Safety.
480-40-100 Out-of-service criteria.

480-40-110 Registered carriers.
480-40-120 Registration of interstate authority.
480-40-130 Regulatory fees—Receipt—Intrastate passenger charter carriers and excursion service carriers.
480-40-999 Adoption by reference.

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

480-40-015 Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

480-40-033 Equipment operated. [Order R-12, § 480-40-033, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-036 Records. [Order R-12, § 480-40-036, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-039 Tariffs. [Order R-72, § 480-40-039, filed 4/23/75; Order R-14, § 480-40-039, filed 1/6/70; Order R-12, § 480-40-039, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-080 Fees and gross operating revenue. [Statutory Authority: RCW 80.01.040 and 81.70.130. 84-15-024 (Order R-216, Cause No. TCH-1787), § 480-40-080, filed 7/11/84; Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-090 Rules and regulations. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-40-090, filed 12/23/87; Order R-12, § 480-40-090, filed 11/28/69; Order R-5, § 480-40-090, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-140 Cards—Return required—Loss of—Improper use of cards or stamps. [Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-140, filed 8/26/88.] Repealed by 94-14-015 (Order R-417, Docket No. TC-940125), filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040.

**WAC 480-40-010 Definitions.** (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these regulations, be given the meaning hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.

(5) "Public highway" includes every public street, road or highway in this state.

(6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.

(7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(8) Subject to the exclusion of subsection (10) of this section, "excursion service carrier" means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(9) "Area" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(10) This chapter does not apply to:

(a) Persons operating motor vehicles wholly within the limits of incorporated cities;

(b) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, when operated as such;

(c) Passenger vehicles carrying passengers on a noncommercial enterprise basis;

(d) Operators of charter boats operating on waters within or bordering this state.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-010, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-010, filed 8/26/88; Order R-72, § 480-40-010, filed 4/23/75; Order R-12, § 480-40-010, filed 11/28/69; Order R-5, § 480-40-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-020 Licenses.** No motor vehicle shall be operated upon the public highways of this state by any charter party carrier or excursion service carrier of passengers until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-020, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-020, filed 8/26/88; Order R-12, § 480-40-020, filed 11/28/69; Order R-5, § 480-40-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-030 Certificates.** (1) No person may operate, establish, or engage in the business of a charter party carrier or excursion service carrier of persons over any public highway in this state, without first having obtained a certificate from the commission or having registered as an interstate carrier.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5)(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested and accompanied by filing fee named in subsection (7) of this section.

(b) No charter party or excursion service carrier certificate or right to conduct any of the service therein authorized shall be leased, assigned or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(6)(a) All applications for original certificates (including extensions of certificates), shall be on forms to be furnished by the commission, giving all information therein requested and accompanied by application fee named in subsection (7) of this section.

(b) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and to conform to the provisions of the laws governing charter party carriers or excursion service carriers of passengers and the rules and regulations of the commission.

(c) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(7) Miscellaneous fees:

Original application for certificate ..... $ 150.00
Application for extension of certificate ..... 150.00
Application to lease, assign, or otherwise transfer or encumber a certificate ..... 150.00
Application for issuance of duplicate certificate ..... 5.00

(8) All applications for the issuance of a duplicate certificate must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(9) The commission may cancel, revoke, or suspend any certificate issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 81.70 RCW;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing charter party carriers or excursion service carriers of passengers;

(c) Failure of a charter party carrier or excursion service carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a charter party carrier or excursion service carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(10) After the cancellation or revocation of a certificate or interstate registration, or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier.

(11) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

(12) Remittances shall be made by money order, bank draft, or check, made payable to the Washington utilities and transportation commission.

[Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-40-030, filed 7/13/93 effective 8/13/93; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-030, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-030, filed 8/26/88; Order R-61, § 480-40-030, filed 12/19/73; Order R-50, § 480-40-030, filed 8/8/73; Order R-14, § 480-40-030, filed 1/6/70; Order R-12, § 480-40-030, filed 11/28/69; Order R-5, § 480-40-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-040 Liability and property damage insurance.** (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission, evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

CHARTER PARTY CARRIER OF PASSENGERS

| | Effective 6/9/88 | Effective 6/9/88 | Effective 7/1/90 | Effective 7/1/90 |
|---|---|---|---|---|
| (1) Passenger seating capacity | 16 or less | 17 or more | 16 or less | 17 or more |
| (2) Minimum amount for bodily injuries to one person | $ 100,000 | $ 100,000 | $ 100,000 | $ 100,000 |
| (3) Minimum amount for bodily injuries to all persons injured in any one accident | $ 500,000 | $ 2,500,000 | $ 1,000,000 | $ 5,000,000 |
| (4) Minimum amount for loss or damage in any one accident to property of others | $ 50,000 | $ 50,000 | $ 50,000 | $ 50,000 |

EXCURSION SERVICE COMPANY

| | Effective 5/1/90 | Effective 5/1/90 | Effective 6/1/92 | Effective 6/1/92 |
|---|---|---|---|---|
| (1) Passenger seating capacity | 16 or less | 17 or more | 16 or less | 17 or more |
| (2) Minimum amount for bodily injuries to one person | $ 100,000 | $ 100,000 | $ 100,000 | $ 100,000 |
| (3) Minimum amount for bodily injuries to all persons injured in any one accident | $ 500,000 | $ 2,500,000 | $1,000,000 | $5,000,000 |
| (4) Minimum amount for loss or damage in any one accident to property of others | $ 50,000 | $ 50,000 | $ 50,000 | $ 50,000 |

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to charter party carriers or excursion service carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-040, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-040, filed 8/26/88; Order R-110, § 480-40-040, filed 10/19/77; Order R-12, § 480-40-040, filed 11/28/69; Order R-5, § 480-40-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-050 Self insurance.** (1) Every charter party carrier or excursion service carrier of passengers which qualifies as a self-insurer under the provisions as set forth in RCW 81.70.290 may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: Provided, however, That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier or excursion service carrier qualified and acting under the self-insurer provisions of RCW 81.70.290, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1).

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-050, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-050, filed 8/26/88; Order R-12, § 480-40-050, filed 11/28/69; Order R-5, § 480-40-050, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-060 Equipment of motor vehicles.** (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible at a distance of at least fifty feet, the number of the certificate under which such vehicle is being operated. Thus:

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In the event a certificate is revoked or cancelled or the equipment sold the carrier shall immediately remove its certificate number from its vehicles.

(3) Motor vehicles used in the transportation of passengers shall have displayed thereon the company name and number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible.

(4) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-060, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-060, filed 8/26/88; Order R-12, § 480-40-060, filed 11/28/69; Order R-5, § 480-40-060, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-065 Equipment—Inspection—Ordered for repairs.** (1) All motor vehicles operated under chapter 81.70 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria* in effect on the date specified in WAC 480-40-999.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair

facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-065, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-065, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-40-065, filed 2/27/90, effective 3/30/90.]

**WAC 480-40-070 Operation of motor vehicles.** (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall 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 highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 382, 383 and 391, excluding paragraphs (a) and (b) of section 391.2, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW except relating to those carriers operating exclusively in intrastate commerce:

(a) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in section 391.65, the time periods identified in this section shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier or excursion service carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(6) The federal rules referenced in this chapter are available for inspection at the utilities and transportation branch of the Washington state library, located in conjunction with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to any pertinent charge. Copies may also be obtained from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-070, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-070, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-070, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-070, filed 8/26/88; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-40-070, filed 11/7/85. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-070, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-075 Equipment—Safety.** In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. 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, part 393, and part 396, in effect on the date specified in WAC 480-40-999 are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW. Exception: All passenger charter carriers or excursion service carriers of passengers operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2 and 393.76. Further, with respect to section 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-075, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-075, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-075, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-075, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-075, filed 8/26/88. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-075, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-075, filed 8/14/80.]

**WAC 480-40-100 Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.70 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria.* Copies of this document are available from the commission upon request.

[Statutory Authority: RCW 80.01.040. 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-100, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-40-100, filed 2/27/90, effective 3/30/90.]

**WAC 480-40-110 Registered carriers.** (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by law enforcement agents and the commission's representatives. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-40-130.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or a supplemental receipt, if it has registered, showing the states for which the carrier has registered.

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-110, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-110, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-110, filed 8/26/88.]

**WAC 480-40-120 Registration of interstate authority.** (1) It shall be unlawful for any charter party carrier or excursion service carrier of passengers to perform any interstate transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee.

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-120, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-120, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-120, filed 8/26/88.]

**WAC 480-40-130 Regulatory fees—Receipt—Intrastate passenger charter carriers and excursion service carriers.** (1) Every passenger charter carrier or excursion service carrier operating in intrastate commerce shall pay an annual regulatory fee as established by general order of the commission, but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each passenger charter carrier and excursion service carrier holding a certificate.

(2) Passenger charter carriers and excursion service carriers operating in intrastate commerce shall state the number of vehicles operated in this state, provide other required information and submit appropriate fees.

(3) Upon payment of annual regulatory fees, a receipt will be issued to the passenger charter carrier or excursion service carrier. The receipt will authorize passenger charter carriers or excursion service carriers to operate over the public roadways of this state. The receipt shall be subject to inspection by the commission's representatives at the carrier's principal place of business.

(4) Charter party carriers or excursion service carriers of passengers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may, as an alternative to all other requirements of this chapter, obtain a single trip transit permit, valid for ten days authorizing one trip, entering or across the state. This permit will be issued upon payment of a fee of ten dollars. The carrier must provide the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-40-040.

(5) All receipts issued for a particular calendar year expire December 31 of each succeeding year. However, a receipt may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-130, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-130, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-130, filed 8/26/88.]

**WAC 480-40-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-40-065.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-40-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-51 WAC
## COMMERCIAL FERRIES

WAC


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480-51-140 Temporary interruptions of service—Suspension of service.
480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission.


**WAC 480-51-010 General.** (1) Commercial ferries shall comply with the terms of this chapter in addition to rules prescribed by the commission for public service companies in general.

(2) This chapter is subject to such exceptions as the commission may consider just and reasonable in individual cases.

(3) Application for exception to any of the rules of this chapter shall be made in accordance with the following:

(a) Application must be directed to the commission at its Olympia headquarters office;

(b) The application must be legibly presented on 8-1/2 inch by 11 inch paper, on one side of each sheet only;

(c) The applicant must identify the rule to which exception is sought and give a full explanation of the reasons for requesting the exception.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-010, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-020 Definitions.** For the purposes of these rules, the following definitions shall apply:

(1) The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

(2) The term "certificated commercial ferry" means a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.

(3) The term "common carrier ferry vessel" means a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.

(4) The term "vessel" includes every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(5) The term "transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

(6) The term "transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and that passenger's baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

(7) The term "for hire" means transportation offered to the general public for compensation.

(8) The term "transfer" means sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.

(9) The term "launch service" means transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.

(10) The term "person" means any natural person or persons or any entity legally capable of taking any action.

(11) The term "published schedule" means a time schedule that is published by the certificate holder and filed with the commission in accordance with the provisions of WAC 480-51-090.

(12) For the purposes of these rules, where the terms "United States Coast Guard" and/or "Coast Guard" are used, the term "Washington state department of labor and industries, marine division" shall be substituted if the commercial ferry boat operates on Washington state waterways not subject to Coast Guard regulation or if the vessel itself is subject to department of labor and industries, marine division, rules and regulations rather than those of the United States Coast Guard.

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-020, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-022 Exempt vessels and operations.** The rules of this chapter do not apply to the following vessels or operations:

(1) Charter services;

(2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-022, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-025 General operation.** (1) Commercial ferries must comply with all pertinent federal and state laws, chapter 81.84 RCW, and the rules of this commission.

(2) No certificated commercial ferry shall provide service subject to the regulation of this commission without first having obtained from the commission a certificate declaring that public convenience and necessity require, or will require, that service.

(3) No company may operate any vessel providing excursion service subject to the regulation of this commission over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(4) Any operator holding unrestricted commercial ferry authority may provide excursion service on an existing route without the need to obtain additional authority. The commission may restrict grants of commercial ferry authority to operations in excursion service.

(5) Any certificate of public convenience and necessity obtained by any false affidavit, statement or misrepresentation shall be subject to revocation and cancellation by this commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-025, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-030 Applications.** (1) Any person desiring to operate a commercial ferry which is required by the provisions of chapter 81.84 RCW to be certificated, to acquire a controlling interest in, or to acquire by transfer any certificate, shall file with the Washington utilities and transportation commission an application for a certificate of public convenience and necessity on a form furnished by the commission. Applications shall include, but are not limited to the following:

(a) Pro forma financial statement of operations;

(b) Ridership and revenue forecasts;

(c) The cost of service for the proposed operation;

(d) An estimate of the cost of the assets to be used in providing service;

(e) A statement of the total assets on hand of the applicant that will be expended on the proposed operation; and

(f) A statement of prior experience, if any, in providing commercial ferry service.

(2) Certificate holders wishing to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property in this state shall comply with chapter 81.08 RCW, as amended, and with all pertinent commission rules.

(3) Application fees:

| | |
|---|---|
| Original application for certificate | $200.00 |
| Application for extension of certificate | 200.00 |
| Application to transfer a certificate | 200.00 |
| Application for issuance of a duplicate certificate | 3.00 |
| Application for temporary certificate | 200.00 |

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-030, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-040 Notice of application—Protests—Contemporaneous applications.** (1) The commission shall send a notice of each application for certificated commercial

ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

(2) If any person wishes to seek authority which overlaps, in whole or in part, with that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission's headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-040, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-050 Waiver of ten-mile restriction.** (1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

(a) Transportation congestion mitigation;

(b) Air quality improvement; and

(c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) **Effective period of waiver.**

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(6) **Certificates containing waiver.** Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

> *"Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date."*

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-050, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-060 Temporary certificates.** (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested tem-

porary certificate, the commission will consider evidence of the following factors:

(a) An immediate and urgent need for the requested service;

(b) Any available service capable of meeting the need;

(c) The fitness of the applicant; and

(d) Any other circumstance indicating that a grant of temporary authority is consistent with the public interest.

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

(a) The application fee;

(b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;

(c) Evidence of proper insurance as required by WAC 480-51-070;

(d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party, or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-060, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-070 Insurance. (1) Liability and property damage insurance or surety bond.**

(a) Prior to the commission issuing a certificate, and prior to the commission issuing a registration to a common carrier ferry operating passenger-carrying vessels, each applicant shall file with the commission evidence of currently effective liability and property damage insurance or a surety bond, the form of which is set out below, written by a company authorized to write such insurance or bond in the state of Washington, covering each vessel to be used under the certificate or registration granted. Coverage shall be for not less than the following amounts:

| | |
|---|---|
| $100,000 | for any recovery for personal injury by one person, and |
| $1,000,000 | for all persons receiving personal injury and property damage by reason of one act of negligence, and |
| $50,000 | for damage to property of any person other than the insured, or |
| $1,000,000 | combined bodily injury and property damage liability insurance. |

(b) Evidence of insurance shall be submitted on either a certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverage as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the operator must file the required certificate of insurance.

(c) Form of surety bond.

*"Know all persons by these presents:*

*That we_____ of the City of _____, State of Washington, as principal, and _____, a corporation organized and existing under and by virtue of the Laws of the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum or lawful money of the United States of America, upon each and every vessel operated by the principal herein in the amounts as set out in the schedule above for the payment of which well and truly to be made, do hereby bind ourselves, or heirs, executors, administrators, successors and assigns, severally by these presents.*

*Signed, sealed and dated this _____ day of _____ 19__.*

*This bond is written in pursuance of and is to be construed in accordance with chapter 81.84 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operations of any and all vessels operated by the company (principal herein) under and by virtue of its certificate or registration granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.*

*SCHEDULE*

| | |
|---|---|
| *$100,000* | *for any recovery for personal injury by one person and* |
| *$1,000,000* | *for all persons receiving personal injury and property damage by reason of one act of negligence, and* |
| *$50,000* | *for damage to property of any person other than the insured, or* |
| *$1,000,000* | *combined bodily injury and property damage liability.* |

*Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provision of chapter 81.84 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of vessels in transporting persons and property for compensation, under its Certificate of Public Convenience and Necessity or registration issued by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.*

*This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until thirty (30) days after the receipt of such notice by the Washington Utilities and Transportation Commission.*

_____
*Principal*

_____
*Surety"*

(2) **Insurance, continuance of.** Proper evidence of continued insurance or surety bond shall be filed with the commission not less than ten days prior to the termination date of coverage then on file so there is no question of continuous coverage as required by law.

(3) **Insurance termination.**

(a) All insurance policies issued under the requirements of chapter 81.84 RCW shall provide that the coverage shall continue in full force and effect unless and until cancelled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company. The thirty days' notice period runs from the date the notice is actually received by the commission. Exception: Binders may be cancelled on ten days' written notice.

(b) Notice of cancellation or expiration shall be submitted in duplicate and shall not be submitted more than sixty days before the intended termination date, except that binders may be cancelled by written notification from the insurance agency or insurance company on ten days' written notice.

(4) **Involuntary suspension—Cancellation.**

(a) **Involuntary suspension.** No certificate holder and no registered passenger-carrying common carrier may operate in this state without the required insurance. Any certificate holder or registered passenger-carrying common carrier who fails to maintain evidence that its insurance is in current force and effect shall have its certificate or registration suspended by operation of law beginning with the time of the failure.

(i) A person whose certificate or registration is suspended may secure reinstatement of the same by correcting conditions leading to suspension.

(ii) A certificate or registration holder may contest suspension by requesting a brief adjudication or an adjudication.

(iii) The suspension shall last until the cause of the suspension is cured and the certificate or registration is reinstated or until the certificate or registration is cancelled.

(b) **Cancellation.**

(i) The commission may cancel a certificate or registration for failure to demonstrate that the holder has corrected the conditions leading to suspension with the time defined in the order of suspension.

(ii) The commission will hold a hearing prior to canceling a certificate or registration, except when cancellation results from failure to correct causes of a suspension in which an adjudicative or brief adjudication was held or was available to the certificate or registration holder.

(5) All persons holding certificates on the effective date of this rule shall, within sixty days of the effective date, file evidence of proper insurance with the commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-070, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-075 Safety.** (1) No commercial ferry shall operate any vessel that has not been inspected by the United States Coast Guard and certified to be safe and seaworthy for its intended operation.

(2) Each commercial ferry shall maintain in its main office a copy of the most current certificate issued for each vessel operated.

(3) The commission may periodically require commercial ferry operators to provide proof that each vessel operated has been inspected and found to be safe and seaworthy. Such proof may be contained on the annual report form required by WAC 480-51-100.

(4) No commercial ferry shall augment its fleet with a vessel leased, borrowed, or obtained from another party unless the commercial ferry operator first obtains proof that the vessel has been inspected within the past twelve months and found to be safe and seaworthy for its intended purpose. A copy of the inspection certificate must be maintained in the commercial ferry operator's files for a period of not less than twelve months following use of such vessel.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-075, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-077 Operators of common carrier ferry vessels—Registration—Regulations.** (1) No person shall operate a common carrier ferry vessel without first having registered with the commission and filing a tariff in accordance with the provisions of WAC 480-51-080. Registration to be made on forms supplied by the commission. Operators of passenger-carrying common carrier ferry vessels must provide evidence of insurance as required by WAC 480-51-070.

(2) Any person who operates a common carrier ferry vessel shall be required to submit annual reports and regulatory fees in accordance with the provisions of WAC 480-51-100.

(3) Operators of common carrier ferry vessels shall maintain accounts in accordance with the provisions of WAC 480-51-110.

(4) Any person operating a common carrier ferry vessel on the date this rule is adopted must file a registration application within sixty days of the effective date of the rule.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-077, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-080 Tariffs.** (1) All commercial ferries shall file with the commission tariffs containing fair, just and reasonable rates governing the transportation services to be provided.

(a) Pursuant to Article 12, section 12 of the Washington Constitution and RCW 81.28.180 and 81.28.190, rates contained in commercial ferry tariffs must be nondiscriminatory and nonpreferential.

(b) Tariffs may provide for variations within a band of rates, and may provide for exceptions and conditions in defined circumstances.

(2) Operators of commercial ferries shall prepare, publish, file and reissue their tariffs in accordance with the provisions of the commission's Tariff Circular No. 6.

(3) Tariffs must be issued in the registered name of the operator and must show its certificate or registration number.

(4) Tariffs must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-080, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-090 Time schedules.** Each certificate holder, excluding launch services, shall publish and file with the commission, time schedules showing all service given under their certificate and the manner in which it is available, as follows:

(1) Time schedules shall be typewritten or printed on 8-1/2 x 11 inch paper.

(2) The title page of each time schedule must show the following (see sample time schedule in subsection (8) of this section):

(a) A consecutive number in the upper right hand corner, indicating the number of the current version of the time schedule (beginning with Number 1), and must show the number of the time schedule cancelled thereby, if any.

(b) The name of the certificate holder, approved trade name under which operation is conducted, and the number of the certificate.

(c) The termini or points between which the time schedule applies, briefly stated.

(d) A definite statement of the regular route or routes traversed including all intermediate stops and the names and locations of all docks and landings used along the route.

(e) The date when the time schedule is issued, posted and filed with the commission and the date when the time schedule is to become effective.

(f) The name, title and address (including both street address and mailing address, if different from street address) of the official issuing the time schedule.

(3) Time schedules must show (see sample time schedule in subsection (8) of this section):

(a) The time of **Arrival** and **Departure** at and from all **Points Served**.

(b) The **Days** upon which each trip will be given.

(c) The **Distance** between all points shown in the schedule.

(e) Any limitations of service contained in the certificate and any restriction or limitation of the service given at or between the points shown as served.

(4) At least one copy of each time schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(5) Two copies of each time schedule shall be filed with the commission at its Olympia headquarters on or before the date shown as the date of its issuance.

(6) Changes in the operation under a certificate which affect in any way the information or service shown in the time schedule then in effect must be made only after a new time schedule has been issued and been made effective as follows:

(a) A new time schedule must be issued, bearing the next consecutive number, and stating the number of the time schedule cancelled thereby as provided in subsection (2) of this section, as for example:

*"Time Schedule No. 2*
*cancels*
*Time Schedule No. 1"*

(b) **Notice period required.** Copies of the new time schedule shall be posted and filed, in accordance with subsections (3) and (4) of this section, at least fifteen days before the effective date thereof. *Exception:* If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, the filing must be made with the commission not less than one full day before the effective date and advance notice to the public will not be required.

(c) After such fifteen days, the new time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

(d) The commission may, prior to the effective date of a new time schedule, on its own motion or on the filing of a sufficient protest by any person or persons affected, order the time schedule withdrawn, modified or suspended.

(e) In case of actual emergency or when real merit is shown, the commission may, in its discretion, permit a time schedule to become effective on less than fifteen days notice.

(7) Time schedules as filed with the commission and posted for the information of the public must be adhered to.

(8) Sample time schedule:

*Time Schedule No. 2*
*cancels*
*Time Schedule No. 1*

*TIME SCHEDULE*
*of*
*NELS PETERSON*

*Certificate No. 500*

*Operating Under Trade Name of*
*PUGET FERRIES*
*Furnishing*
*passenger, freight and ferry service*
*Between*
*PONSEND, Washington, and BELL, Washington*
*via*
*CORTANA*
*With terminals at*

*PONSEND: Puget Dock, Foot of Puget St.*
*CORTANA: Dock at 912 Water St.*
*BELL: Pier 4, Foot of Victoria Way*

*Issued January 1, 1995* *Effective January 16, 1995*

*Issued by J. B. Doe, Manager*
*912 Water Street*
*Cortana, Washington*

*Northbound (Daily, except Sunday)*

| Miles | Stations | Daily A.M. | Daily P.M. | Sunday Only P.M. |
|---|---|---|---|---|
| 0.0 | Lv. PONSEND | 7:30 | 2:30 | 5:30 |
| 18.5 | Lv. CORTANA | 8:45 | 3:45 | 6:45 |
| 32.5 | Ar. BELL | 9:30 | 4:30 | 7:30 |

*Southbound (Daily Except Sunday)*

| Miles | Stations | Daily A.M. | Daily P.M. | Sunday Only P.M. |
|---|---|---|---|---|
| 0.0 | Lv. BELL | 10:00 | 5:00 | 8:00 |
| 14.0 | Lv. CORTANA | 10:45 | 5:45 | 8:45 |
| 32.5 | Ar. PONSEND | 12:00 | 7:00 | 10:00 |

*Note 1: In bad weather, landing will be made at Long Cove Dock instead of Cortana.*

*Note 2: Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement.*

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-090, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-100 Annual reports—Regulatory fees.** (1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed not later than May 1st of the succeeding year.

(2) Persons operating commercial ferries shall on or before the first day of May of each year file with the commission a statement showing the gross operating revenue of the company for the preceding calendar year. The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.030 based upon such gross operating revenue and in an amount to be fixed each year by order of the commission.

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report, a statement of the gross operating revenue, and the gross operating revenue fee as required by this section must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-100, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-110 Accounts.** (1) The accounts and records of certificate holders shall be kept in accordance with the commission's "uniform classification of accounts and statistics for water transportation companies" including all current supplements, amendments, revisions and reissuances.

(2) The accounts, records and statistics of certificate holders must be kept reasonably up-to-date to disclose at all times the information and data required to be kept.

(3) Operators of common carrier ferry vessels shall maintain accounts, books and records sufficient to allow calculation of the gross revenue earned in providing passenger and vehicle water transportation services and sufficient to complete annual reports as required in WAC 480-51-100.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-110, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports.** (1) **Progress reports.**

(a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) **Extensions of time to initiate service.**

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) **Failure to initiate service.** Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84.060 (1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submitted timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) **Petitions for extension of time to initiate service.**

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-120, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-130 Indefinite discontinuance of service.** No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-130, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-140 Temporary interruptions of service—Suspension of service.** (1) Certificate holders shall report promptly in writing to the commission, and to the public along the route, all interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours. Said report to include a full statement of the cause of such interruption and its probable duration.

(2) Discontinuance or suspension of service by a certificate holder for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all right secured under and by virtue of any order or permission

to operate, issued by the commission: Provided, however, That the commission may permit the resumption of operation after such five-day discontinuance or suspension, on proper showing that the certificate holder was not responsible for the failure to give service or notice.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-140, filed 10/18/95, effective 11/18/95.]

**WAC 480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission.** (1) Upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, the commission may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter for any of the following grounds:

(a) Violation of an order, decision, rule, regulation, or requirement established by the commission or the requirements of law;

(b) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.-010 (2) or (3);

(c) Failure of the certificate holder to file an annual report;

(d) Filing by the certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(e) Violation of any provision of this chapter;

(f) Violation of or failure to observe the provisions or conditions of the certificate, tariffs or filed time schedule;

(g) Failure of the certificate holder to maintain the required insurance coverage in full force and effect; or

(h) Failure or refusal to furnish reasonable and adequate service after initiating service.

(2) The commission shall institute an investigation upon receipt of a complaint by an interested party to determine whether the complaint has merit.

(3) Within thirty days of a finding that a complaint filed by an interested party has merit and that the certificate holder is in violation, or upon its own finding that the certificate holder is in violation, as described in subsection (1)(a) through (h) of this section, the commission shall take appropriate action to cancel, revoke, suspend, alter or amend the certificate. The commission shall notify the certificate holder of the action to be taken, and shall at the same time offer the certificate holder an opportunity for hearing through an adjudication or brief adjudication.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-150, filed 10/18/95, effective 11/18/95.]

## Chapter 480-60 WAC
## RAILROAD COMPANIES—CLEARANCES

WAC


480-60-010 Application of rules.
480-60-012 Contacting the commission.
480-60-014 Rules of practice and procedure.
480-60-020 Exemptions.
480-60-030 Definitions.
480-60-035 Walkways.
480-60-040 Overhead clearances.
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480-60-080 Operation of excess dimension loads.
480-60-090 Narrow gauge railroads transporting freight cars.
480-60-990 Illustration—Typical clearance of structures from railroad tracks.
480-60-99001 Illustration—Typical track spacing.


### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-60-070 Marking of cars. [Order R-5, § 480-60-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-60-99002 Table—Class of highway. [Order R-5, Table (codified as WAC 480-60-99002), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-60-99003 Diagram—Clearance diagram for underpasses two-way highway traffic. [Order R-5, Diagram (codified as WAC 480-60-99003), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

**Reviser's note:** WAC 480-60-010 through 480-60-090 as filed June 6, 1969, was to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in Supplement #3, is October 9, 1969. See also, reviser's note Title 480 WAC digest.

**WAC 480-60-010 Application of rules.** (1) The rules in this chapter apply to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad, and to the construction and reconstruction of tracks or structures adjacent thereto.

(2) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

(3) Side clearances are based on the assumption that equipment used on tracks is not greater than ten feet ten inches wide. Height clearances are based on the assumption that equipment used on tracks is not higher than fifteen feet six inches. If equipment exceeds ten feet ten inches in width, the railroad must comply with WAC 480-60-080.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-010, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-012 Contacting the commission.** You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC 480-09-100. The commission's internet home page address is found in WAC 480-04-050.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-012, filed 1/21/00, effective 2/21/00.]

**WAC 480-60-014 Rules of practice and procedure.** The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-014, filed 1/21/00, effective 2/21/00.]

**WAC 480-60-020 Exemptions.** (1) When the overhead or side clearances between a track and any building, structure, or facility are less than the minimum required by these rules, but were lawfully created prior to October 9, 1969, the minimum clearances required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed. However, the commission will consider specific requests for the future continuance of these previously lawful clearances when the railroad or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when the material is needed for the construction or maintenance of the tracks;

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad;

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions;

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) 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.

(4) 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.

(5) 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.

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

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-020, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**"Car width"** means twice the distance from the centerline of the car to its extreme outside part.

**"Commission"** means the Washington utilities and transportation commission.

**"Icing platforms"** means structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring those services.

**"Overcrossing"** means any point or place where a highway crosses a railroad by passing above it.

**"Overhead clearance"** means the distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and a horizontal plane passing through the lowest point of the overhead structure or obstruction.

**"Side clearance"** means the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.

**"Track clearance"** means the shortest distance between the centerlines of adjacent tracks.

**"Walkways"** means pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, that provide an area for a railroad employee to perform duties associated with the track, trestle or bridge.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-030, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-035 Walkways.** (1) Walkways must be provided in yards where employees regularly work on the ground.

(2) Ease and safety of walking are the primary considerations for providing walkways. Ease and safety of walking and adequate track drainage are the primary considerations for selecting surface materials. Accordingly, walkways required by this rule must have a reasonably smooth surface and be maintained in a safe condition, without compromising track drainage. Any of the following are suitable surface materials:

(a) Crushed material may be used for walkways. The material must not exceed one and one-half inches in size. The term "one and one-half inches in size" has a specialized meaning. That meaning can vary from company to company within the industry. For purposes of this rule, the term will have the following meaning (note: Percentages refer to weight measurements):

100 percent of the material will pass through a one and one-half inch square sieve opening.

90 to 100 percent of the material will pass through a one inch square sieve opening.

40 to 80 percent of the material will pass through a three-quarter inch square sieve opening.

15 to 60 percent of the material will pass through a one-half inch square sieve opening.

0 to 30 percent of the material will pass through a three-eighths inch square sieve opening.

0 to 10 percent of the material will pass through a #4 sieve (standard nomenclature in the industry).

0 to 5 percent of the material will pass through a #8 sieve.

0 to 0.5 percent of the material will pass through a #200 sieve.

Note: Smaller crushed material is preferable. It should be used where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching leads in yards.

(b) Walkway surfaces may also be made of asphalt, concrete, planking, grating, or other similar material suitable for walking.

(c) Native materials may be used for a walkway surface if the materials provide a surface that is reasonably smooth and safe.

(3) Walkways must not have a grade or slope in excess of one inch of elevation for each eight inches of horizontal length in any direction, unless the geography of the area makes this impracticable.

(4) Walkways must be kept clear of vegetation, debris, mud, and other obstructions that constitute a hazard to railroad employees working on the ground. Standing water must be removed from walkways as soon as reasonably possible.

(5) When walkways are removed or damaged due to construction or emergencies, they must be restored within thirty days after construction is completed or the emergency ends.

(6) Walkways must be sufficiently wide to allow employees to safely perform all duties associated with the use of the walkways.

(7) Walkways on bridges and trestles existing on (effective date of this rule), must not be permanently removed without approval from the commission. Permission must be obtained by the process set forth in WAC 480-60-020. Walkways on bridges or trestles that are temporarily removed or damaged due to construction or emergencies must be restored within thirty days after construction is completed or the emergency ends.

(8)(a) Unless the commission identifies a serious safety condition on a walkway, Class I railroads must bring their walkways into compliance with this section within one year of the effective date of these rules, and Class II and Class III railroads must bring their walkways into compliance within five years of the effective date of these rules.

(b) If a railroad believes it will experience a serious financial hardship in bringing its walkways into compliance within the time allowed, it must submit to the commission in writing, an alternate proposal for bringing its walkways into compliance. The commission may grant an extension of time following a review of the railroad's alternate walkway compliance proposal.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-035, filed 1/21/00, effective 2/21/00.]

**WAC 480-60-040 Overhead clearances.** (1) General rule. Overhead clearances shall be at least twenty-two feet six inches unless one of the provisions in this section applies.

(2) Buildings.

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen feet, if the tracks terminate within the building. When an overhead clearance of less than twenty-two feet six inches is established in a building, all cars, locomotives or other equipment must stop before entering it. The conditions provided to require the stop must be approved by the commission. Engine houses and car shops are exempt from these regulations.

(3) Trains in tunnels, under overcrossings, and on bridges.

Minimum overhead clearance in tunnels, under overcrossings, and on bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly above the centerline of track.

(4) All other structures.

Minimum overhead clearance may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly over the centerline of track.

(5) Overhead clearance of wires.

All overhead wires must have a minimum vertical clearance of not less than that specified by the safety rules for the installation and maintenance of electric supply and communication lines as provided by the rules for electrical construction and the electrical and communication workers safety rules of the state of Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-040, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-050 Side clearances.** (1) General rule. Side clearances must be at least 8 feet 6 inches unless one of the provisions below applies. If exceptions in subsections (2) through (5) or (7) of this section apply, full side clearance of 8 feet 6 inches shall be provided on the opposite side of the track from the platform.

(2) Platforms - 8" or less above top of rail . . . . . 4'8"

(3) Platforms - 4'0" or less above top of rail . . . . . 7'3"

(4) Platforms - 4'6" or less above top of rail - when used principally for loading or unloading refrigerator cars . . . 8'0"

(5) Icing platforms and supports . . . . . 7'3"

(6) A retractable platform which is attached to a permanent structure must be designed so that when it is not in use no part of it shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail.

(7) Platforms - combinations of any above.

Platforms defined under (2) above may be combined with either (4) or (3) if the lower platform has a level surface from a point not more than four feet eight inches from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(8) Bridges and tunnels . . . . . 8'0"

(9) Bridges and tunnels - upper section (see WAC 480-60-040(3)).

Side clearance on bridges and in tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight feet and tangent to a horizontal

line twenty-two feet six inches above top of rail directly above centerline of track.

(10) Bridges - lower section and structures 4' high or less. Bridges, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions of those items, four feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five feet distant laterally from centerline of track to a point four feet above top of rail and eight feet distant laterally from centerline of track: Provided, That the minimum clearance for hand rails and water barrels must be seven feet six inches and the minimum clearance for fences of cattle guards must be six feet nine inches.

Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead.

(11) Side clearance - engine house and car repair shop doors ..... 7'6"

(12) Side clearance - interlocking mechanism, switch boxes, and other similar devices projecting 4" or less above the top of the rail ..... 3'0"

(13) Side clearance - poles supporting trolley contact ..... 8'3"

(14) Side clearance - signals and switch stands 3' high or less when located between tracks where not reasonably possible to provide clearances otherwise prescribed in these rules ..... 6'0"

(15) Side clearance - signals and switch stands other than above ..... 8'0"

(16) Side clearances on curved track. Side clearances adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1-1/2" for each degree of curvature.

(17) Side clearances - material or merchandise adjacent to tracks.

No merchandise, material or other articles shall be placed or stored on ground or platforms adjacent to any track at a distance less than eight feet six inches from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this rule impossible.

(18) Clearances - car puller units and appurtenances.

Clearances for car puller units and appurtenances must be approved by the commission through the process set forth in WAC 480-62-020.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-050, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-050, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-060 Track clearances.** (1) Track clearances - in general ..... 14'0"

The minimum distance between the centerlines of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors, or like equipment, must be fourteen feet, except as set forth below.

(2) Track clearances - main and subsidiary tracks ..... 15'0"

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, must be at least fifteen feet from the centerline of the main track or passing track however, where a passing track is adjacent to and at least fifteen feet distant from the main track, any other track may be constructed adjacent to the passing track with 14 feet clearance.

(3) Track clearances - parallel team, house, or industry tracks ..... 13'0"

Minimum clearances between centerlines of parallel team, house, or industry tracks must be thirteen feet.

(4) Track clearances - parallel ladder or ladder and other track ..... 20'0"

The minimum clearance between centerlines of any standard gauge ladder track, constructed parallel to any other track, must be twenty feet.

(5) Track clearances - existing tracks.

Tracks existing prior to October 9, 1969, may be extended at clearances lawfully prescribed prior to that date.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-060, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-060, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-080 Operation of excess dimension loads.** (1) No person may ride on the roof of any car, or on the side of an excess width car, or the side of a car with a load that extends more than 5'5" from centerline.

(2) The railroad company must provide written notice to the train stating the total number of cars with excess height or width.

(3) Notice to yard supervisors. Yard supervisors must be notified sufficiently in advance of the arrival of cars with excess height or width to enable them to take necessary precautions to safeguard employees in yard.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-080, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-080, filed 6/6/69, effective 10/9/69.]

**WAC 480-60-090 Narrow gauge railroads transporting freight cars.** (1) Side clearances.

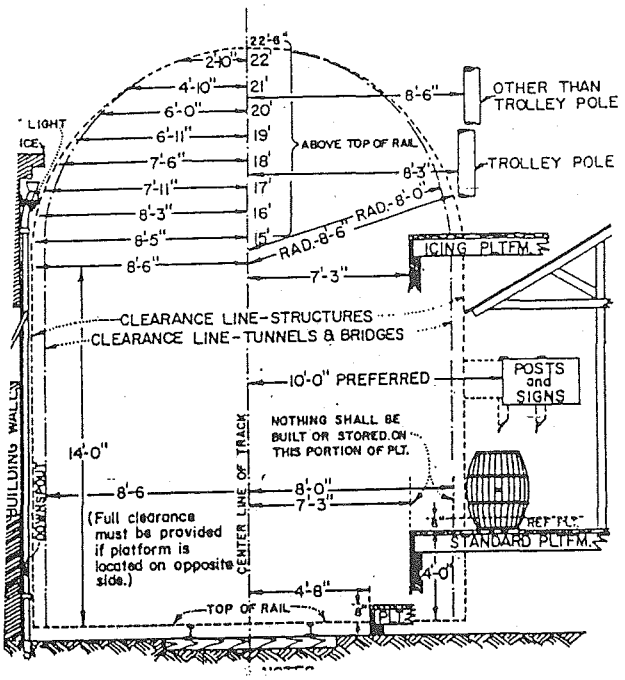
For the operation of equipment on narrow gauge tracks, the side clearances and distances between centerlines of tracks must provide a distance from the sides of cars, or between the widest cars operated, not less than those distances provided by these rules for cars ten feet ten inches in width operated on standard gauge tracks.

(2) All other requirements of these rules, where applicable, must be observed by narrow gauge railroads.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-090, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-090, filed 6/6/69, effective 10/9/69.]

## WAC 480-60-990 Illustration—Typical clearance of structures from railroad tracks.

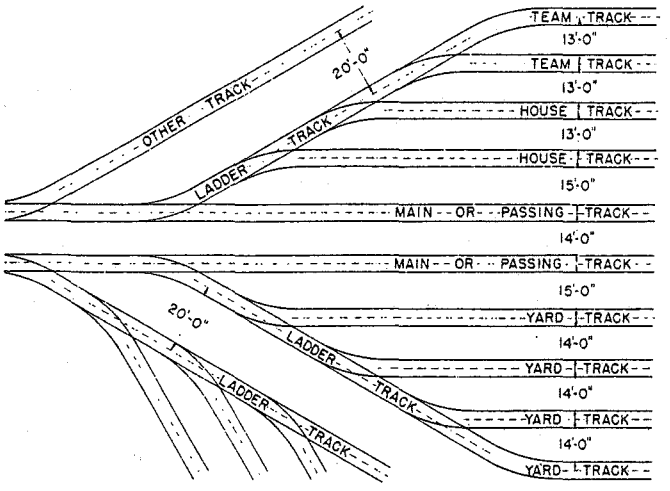
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS




[Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-60-990, filed 5/4/94, effective 6/4/94; Order R-5, Illustration (codified as WAC 480-60-990), filed 6/6/69, effective 10/9/69.]

## WAC 480-60-99001 Illustration—Typical track spacing.

TYPICAL TRACK SPACING




NOTE

EXISTING TRACKS MAY BE EXTENDED AT CLEARANCES LAWFULLY PRESCRIBED PRIOR TO THE EFFECTIVE DATE OF THIS ORDER

[Order R-5, Illustration (codified as WAC 480-60-99001), filed 6/6/69, effective 10/9/69.]

# Chapter 480-62 WAC
# RAILROAD COMPANIES—OPERATIONS

WAC

PART 1: GENERAL AND PROCEDURAL RULES

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480-62-130 Application of this chapter.
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480-62-150 Grade crossing petitions.
480-62-155 Train speeds.
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480-62-170 Resolving disputes about the meaning of these rules.

PART 2: SAFETY RULES

480-62-200 Roadway worker safety and operating rules and statutes.
480-62-205 Track safety standards.
480-62-210 Crossing signal circuitry.
480-62-215 Hazardous materials regulations.
480-62-220 Blockage of public grade crossings.
480-62-225 Crossing surfaces.
480-62-230 Traffic control devices.
480-62-235 Flaggers.
480-62-240 Passenger carrying vehicles—Equipment.
480-62-245 Passenger carrying vehicles—Operation.
480-62-250 On-track equipment.

PART 3: REPORTING REQUIREMENT RULES

480-62-300 Annual reports.
480-62-305 Railroad community notice requirements.
480-62-310 Accident reports.
480-62-315 Miscellaneous reporting requirements.
480-62-320 Remote controlled operations.
480-62-325 Railroad police officers—Notice.

PART 4: ADOPTION BY REFERENCE

480-62-999 Adoption by reference.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

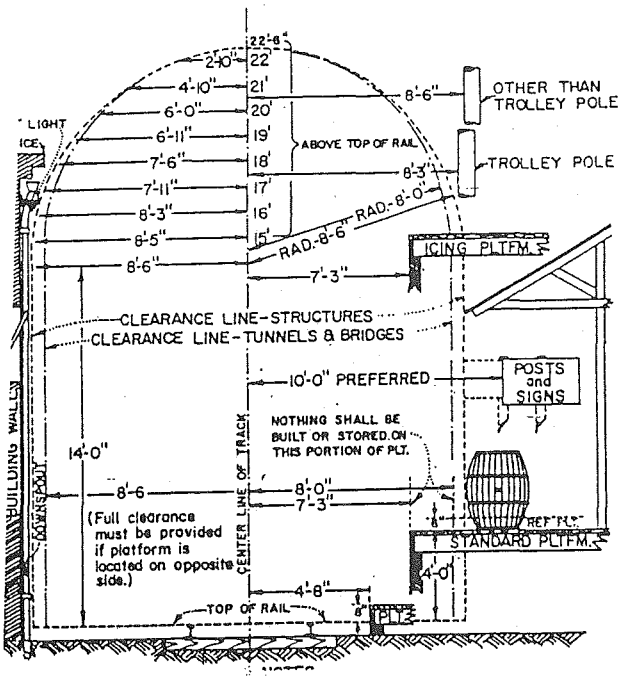
480-62-010 Locomotive speedometers. [Statutory Authority: RCW 80.01.040(4) and 81.44.031(5). 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-010, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-020 Traffic control devices. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-020, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-030 Flagpersons. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-030, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

## WAC 480-60-990 Illustration—Typical clearance of structures from railroad tracks.

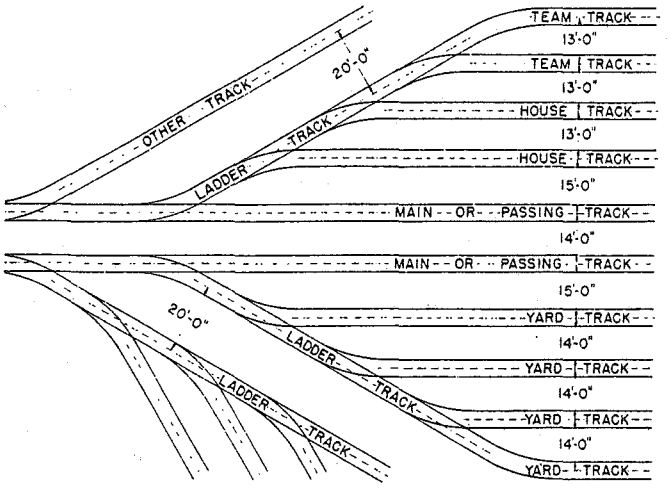
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS




[Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-60-990, filed 5/4/94, effective 6/4/94; Order R-5, Illustration (codified as WAC 480-60-990), filed 6/6/69, effective 10/9/69.]

## WAC 480-60-99001 Illustration—Typical track spacing.

TYPICAL TRACK SPACING




NOTE

EXISTING TRACKS MAY BE EXTENDED AT CLEARANCES LAWFULLY PRESCRIBED PRIOR TO THE EFFECTIVE DATE OF THIS ORDER

[Order R-5, Illustration (codified as WAC 480-60-99001), filed 6/6/69, effective 10/9/69.]

# Chapter 480-62 WAC
# RAILROAD COMPANIES—OPERATIONS

WAC

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480-62-245 Passenger carrying vehicles—Operation.
480-62-250 On-track equipment.

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480-62-300 Annual reports.
480-62-305 Railroad community notice requirements.
480-62-310 Accident reports.
480-62-315 Miscellaneous reporting requirements.
480-62-320 Remote controlled operations.
480-62-325 Railroad police officers—Notice.

PART 4: ADOPTION BY REFERENCE

480-62-999 Adoption by reference.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-62-010 Locomotive speedometers. [Statutory Authority: RCW 80.01.040(4) and 81.44.031(5). 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-010, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-020 Traffic control devices. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-020, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-030 Flagpersons. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-030, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-040 Exemption. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-040, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-050 Passenger carrying vehicles—General. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-050, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-060 Passenger carrying vehicles—Equipment. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-060, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-070 Passenger carrying vehicles—Operation. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-070, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-080 Accident reports. [Statutory Authority: RCW 80.01.040 and 81.44.065. 81-10-017 (Order R-162, Cause No. TR-1456), § 480-62-080, filed 4/27/81. Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-085 Annual reports. [Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-085, filed 5/4/94, effective 6/4/94; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-62-085, filed 12/15/89, effective 1/15/90.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-090 Hazardous materials regulations. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-100 Bridge safety rules. [Statutory Authority: RCW 80.01.040, 80.01.010 and 81.44.065. 83-09-004 (Order R-201, Cause No. TR-1696), § 480-62-100, filed 4/7/83. Statutory Authority: RCW 80.01.040 and 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed 4/27/81.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-120 Train operations—Tacoma. [Statutory Authority: RCW 80.01.040 and 81.01.010. 83-09-003 (Order R-200, Cause No. TR-1692), § 480-62-120, filed 4/7/83.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

## PART 1: GENERAL AND PROCEDURAL RULES

**WAC 480-62-125 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**"Class I railroad company"** means a railroad company having annual operating revenues of $250 million or more;

**"Class II railroad company"** means a railroad company having annual operating revenue of less than $250 million, but more than $20 million; and

**"Class III railroad company"** means a railroad company having annual operating revenues of $20 million or less.

**"Commission"** means the Washington utilities and transportation commission.

**"Department of labor and industries"** means the Washington state department of labor and industries.

**"Department of transportation"** means the Washington state department of transportation.

**"On track equipment"** means self-propelled equipment, other than locomotives, that can be operated on railroad tracks.

**"Passenger carrying vehicle"** means those buses and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicles and are designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

**"Railroad"** means every permanent road with a line of rails fixed to ties providing a track for cars or equipment drawn by locomotives or operated by any type of power, including interurban and suburban electric railroads, for the public use of conveying persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. Unless otherwise provided by rule, the term "railroad" does not include logging and industrial railroads, or street railways operating within the limits of any incorporated city or town.

**"Railroad company"** means every corporation, company, partnership, association, joint stock association, or person, their lessees, trustees, or receivers appointed by any court, and any common carrier owning, operating, controlling or managing any railroad or any cars or other equipment used on, or in connection with the railroad within this state.

**"Railroad police officer"** means a peace officer who is commissioned in his or her state of legal residence or state of employment by a railroad company to enforce state laws for

the protection of railroad property, personnel, passengers and/or cargo.

"**State**" means the state of Washington.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-125, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-130 Application of this chapter.** The rules in this chapter apply within certain cities and to any railroad company subject to the jurisdiction of the commission under RCW 81.04.010 and chapters 81.04, 81.24, 81.28, 81.36, 81.40, 81.44, 81.48, 81.52, 81.53, 81.54, 81.60, and 81.61 RCW, as set forth below:

(1) To all Class I, II, and III railroad companies operating within the state of Washington, with the exceptions noted in subsections (2), (3), and (4) of this section.

(2) To and within first class cities except for WAC 480-62-145, 480-62-150, 480-62-155, and 480-62-225.

(3) To and within cities with a population of more than 400,000 except for WAC 480-62-145, 480-62-150, 480-62-155, 480-62-225, 480-62-230, and 480-62-235.

(4) To logging and industrial railroads except for WAC 480-62-200, 480-62-205, 480-62-215, 480-62-240, 480-62-245, 480-62-250, 480-62-300, the portions of WAC 480-62-310 that do not involve grade crossing accidents, WAC 480-62-315 (2), (4) and (5), and WAC 480-62-325.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-130, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-135 Additional requirements.** (1) These rules do not relieve any railroad company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any railroad company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-135, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-140 Exemptions from rules.** (1) The commission may grant an exemption from the provision of any rule in this chapter, when doing so in chapter 480-62 WAC 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, giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-140, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-145 Commission proceedings.** The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-145, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-150 Grade crossing petitions.** (1) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.020 and 81.53.060:

(a) Opening a railroad-highway crossing at-grade, or by constructing an overcrossing or undercrossing;

(b) Closing a railroad-highway crossing;

(c) Constructing supplemental safety measures under RCW 81.48.015(1), including, but not limited to, median barriers;

(d) Realigning highway or railroad tracks;

(e) Widening highways;

(f) Constructing multiple tracks; or

(g) Changes to crossing surfaces that alter:

- The dimensions of an existing surface;
- The angle at which the tracks intersect a highway; or
- The vertical alignment of a crossing (i.e., to accommodate track superelevation, or changes in railroad or roadway grade).

(2) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.261:

(a) Modifying or upgrading warning signals or devices;

(b) Adding a crossing signal;

(c) Adding gates to a crossing signal;

(d) Modifying or upgrading circuitry for a warning signal; or

(e) Installing an intertie between railroad crossing signals and highway traffic signals.

(3) This rule applies to all railroad companies, including logging and industrial railroads, however, it does not apply to crossings within the limits of first class cities, unless federal funding is used at the crossing.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-150, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-155 Train speeds.** (1) **Scope of commission authority.** The commission's authority to regulate the speed of trains is established in RCW 81.48.030 but limited by federal law. Under RCW 81.48.030, the commission has the power to "fix and regulate" the speed of trains within the limits of any city and town, other than a first class city and at grade crossings outside the limits of cities and towns. However, under section 205 of the Federal Railroad Safety Act, 49 U.S.C. §20106, states are limited to actions which are "necessary to eliminate or reduce an essentially local safety hazard." Accordingly, the commission will act to limit train speeds below those set by the United States Secretary of Transportation only where it finds that there exists such a local safety hazard and that reduction of the train speed is necessary to eliminate or reduce that hazard.

(2) **Procedure.** The commission will consider whether to set train speed limits below those authorized by the United States Secretary of Transportation either upon petition or upon its own motion.

(a) **Petition process.**

(i) Any person, other than a railroad company, who seeks to have the commission set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission must file with the commission a petition. Such petition must contain the following information:

(A) Name and address of the petitioner;

(B) Specific location and length of track over which the speed limit is sought;

(C) Reasons for the speed limit;

(D) If the petitioner seeks a speed limit different from the federally set speed limit, a detailed explanation of why there exists an "essentially local safety hazard" and why that speed limit is necessary to eliminate or reduce the hazard; and

(E) Any other information the petitioner deems relevant.

(ii) A railroad company that seeks to modify an existing limit set by the commission must file with the commission a petition. Such petition must contain the following information:

(A) Name and address of the railroad company, and a contact person;

(B) Specific location and length of track over which the speed limit is sought;

(C) Class of track over which the speed limit is sought;

(D) Reason for the speed limit requested; and

(E) Any other information the railroad company deems relevant.

(iii) Upon receipt of a petition, the commission will serve the petition on the railroad company, if the railroad company did not file the petition; the governing body of any local government within which the proposed speed limit is intended to apply; and the secretary of the department of transportation. The commission will ask for responses from those persons. The commission will set the matter for consideration at a regularly scheduled or special open meeting or, in its discretion, for a formal adjudicatory proceeding under chapter 34.05 RCW.

(b) **Commission-initiated process.** After investigation, the commission may also initiate a proceeding to set a train speed limit. Such a proceeding will be initiated by serving a notice on the railroad company or companies; the chief executive officer of any local government within which the proposed speed limit is intended to apply; and the secretary of the department of transportation. The notice will contain the information described in (a)(i)(A) through (E) of this subsection, the time for filing responses to the notice and the date, time, and place at which the commission will consider the matter. Such consideration may be at a regular or special open meeting or, in the commission's discretion, in a formal adjudicatory proceeding under chapter 34.05 RCW.

(c) **Burden of proof.**

(i) When a railroad company files a petition to modify an existing limit set by the commission to or within a federally set speed limit, including the information set forth in (a)(ii)(A) through (E) of this subsection, the railroad will be deemed to have met its burden of proof as to why the speed limit should be modified. The burden then shifts to the governing body of the local government, commission staff, or other interested persons to show that there exists "an essentially local safety hazard," and that a speed limit different from that proposed by the railroad company is necessary to eliminate or reduce the hazard.

(ii) When a person, other than a railroad company, files a petition with the commission to set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission, that person bears the burden of showing that there exists "an essentially local safety hazard," and that the speed limit is necessary to eliminate or reduce the hazard.

(iii) When the commission initiates a proceeding on its own motion to set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission, the commission staff bears the burden of showing that there exists "an essentially local safety hazard," and that the speed limit is necessary to eliminate or reduce the hazard.

(3) **Evidence of what constitutes an "essentially local safety hazard."** In determining whether a train speed limit, lower than authorized by federal law, is necessary to eliminate or reduce an essentially local safety hazard, the commission will include in its consideration, at a minimum, the following:

(a) Whether the local situation is one that is covered by or is capable of being adequately covered by uniform national standards;

(b) Whether there exist unusual local geographic or other conditions which contribute to the existence of the hazard;

(c) The history of accidents or potential for accidents at the location; and

(d) Whether there exist alternate means to reduce or eliminate any hazard that can be included as conditions to an order setting a train speed.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-155, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-160 Compliance policy.** (1) The commission encourages voluntary compliance with state statutes, rules, and commission orders through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including inspections and investigation of railroad company operations:

(i) For compliance with state statutes, rules, and commission orders;

(ii) For compliance with Federal Railroad Administration (FRA) rules through the State Safety Participation Program, 49 CFR Part 212. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) The commission may pursue administrative actions, including, but not limited to, issuing defect notices to railroad companies, reports and recommendations to the FRA, warnings, sanctions, and penalty assessments.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-160, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-165 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-165, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-170 Resolving disputes about the meaning of these rules.** If the interpretation of any rule in this chapter is questioned by a railroad company, a request for clarification may be filed with the commission.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-170, filed 1/30/01, effective 3/2/01.]

## PART 2: SAFETY RULES

**WAC 480-62-200 Roadway worker safety and operating rules and statutes.** (1) The commission adopts by reference the following parts of Title 49 of the Code of Federal Regulations (CFR) and Title 49 of the United States Code (U.S.C.) and all pertinent appendices:

(a) 49 CFR Part 209: Railroad safety enforcement procedure;

(b) 49 CFR Part 214: Railroad workplace safety;

(c) 49 CFR Part 217: Railroad operating rules;

(d) 49 CFR Part 218: Railroad operating practices;

(e) 49 CFR Part 219: Procedures for transportation workplace drug testing programs;

(f) 49 CFR Part 220: Radio standards and procedures;

(g) 49 CFR Part 221: Rear end marking device - passenger, commuter and freight trains;

(h) 49 CFR Part 225: Railroad Accidents/Incidents: Reports classification, and investigations;

(i) 49 CFR Part 228: Hours of service of railroad employees;

(j) 49 CFR Part 239: Passenger train emergency preparedness;

(k) 49 CFR Part 240: Qualification and Certification of Locomotive Engineers Hours of Service;

(l) 49 U.S.C. Chapter 211: Hours of Service.

(2) Information about Title 49 CFR and Title 49 U.S.C. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(3) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-200, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-205 Track safety standards.** (1) Rules governing track safety standards are prescribed by the United States Department of Transportation in Title 49, Part 213, of the Code of Federal Regulations, along with appendices. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-205, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-210 Crossing signal circuitry.** (1) Rules governing grade crossing signal system safety are prescribed by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, Part 234 along with appendices. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

(3) Violations involving all railroad companies not subject to the jurisdiction of the Federal Railroad Administration will be enforced pursuant to WAC 480-62-160, Compliance policy.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-210, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-215 Hazardous materials regulations.** (1) Rules governing hazardous materials are prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Parts 171 through 174, and Parts 178 and 179, and the appendices to Title 49. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-215, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-220 Blockage of public grade crossings.** (1) Railroad companies must not block a grade crossing for more than ten consecutive minutes, if reasonably possible.

(2) A blocked grade crossing must be cleared immediately by the fastest available method, if the train movement will not violate rules issued by the Federal Railroad Administration, upon the request of law enforcement or other emergency services personnel, or when the engineer becomes aware that the crossing is being approached by a law enforcement or other emergency services vehicle with its emergency lights flashing or that such a vehicle is stopped with its emergency lights flashing at the crossing blocked by the train.

(3) A grade crossing is "blocked" if any part of a stopped train occupies the crossing or causes warning devices to be activated.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-220, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-225 Crossing surfaces.** (1) **Areas of responsibility.**

(a) Highway authorities must maintain and keep in repair the surfaces and the subgrades of the roadway approaches up to one foot from the outside of either rail at a grade crossing with one track. At crossings involving more than one track, the highway authority must maintain and keep in repair the roadway approaches up to one foot from the outside of each of the two outside rails.

(b) At a grade crossing with one track, railroad companies must maintain and keep in repair the crossing surfaces between the rails and for a distance of one foot on the outside of either rail. At crossings involving more than one track, railroad companies must maintain and keep in repair the crossing surfaces and the roadway for the entire area between the outermost rails at the crossing, and for a distance of one foot outside of the two outermost rails.

(c) If tracks at a crossing involving more than one track are owned by different railroad companies, each company must maintain and keep in repair the crossing surfaces and roadway within its right of way that is within the area specified in (b) of this subsection.

(2) **Crossing surfaces.**

(a) Crossing surfaces include shoulders and pedestrian walkways immediately adjacent to a roadway or shoulder. If reasonably possible, roadways and adjacent shoulders and pedestrian walkways must be continued through a crossing without narrowing the roadway, shoulder or walkway.

(b) The subgrade to a crossing surface must be maintained in a manner which minimizes damage to the crossing surface, taking into account the effects of topography, water tables, weather, and the types of vehicular traffic generally using the crossing.

(3) **Roadways.**

(a) Roadways between tracks at crossings involving more than one set of tracks, including the roadway subgrade, must be of the same quality as the roadway approaches to the crossing unless the highway authority and the railroad company agree to a higher quality.

(b) Roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is on the same plane and smooth.

(c) At grade crossings where track superelevation exists, roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is as smooth as practicable.

(4) **Standards for surface maintenance and repair.** Crossing surfaces must be convenient and safe for passage. Some factors in determining compliance with this general standard are:

(a) Whether crossing surfaces and the adjacent roadways are level with the top of the rails on the plane created by each set of tracks.

(b) Whether crossing surfaces are broken or loose.

(c) The existence of potholes.

(d) The existence of curled or rolled asphalt.

(e) Whether traffic generally slows to traverse the crossing.

(f) Citizen complaints.

(5) **Notice.** Notice requirements for highway authorities and railroad companies when performing maintenance on a crossing surface are located in WAC 480-62-305 (4) and (5).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-225, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-230 Traffic control devices.** (1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employ-

ees. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

(2) The rules governing traffic control devices are prescribed in the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC. Information about the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

(3) Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

(4) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

(5) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

(6) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-230, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-235 Flaggers.** (1) The rules in this section apply whenever a railroad company engages in the maintenance, repair, or construction of a grade crossing or grade separated crossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 CFR, Part 234. In addition, 49 CFR Part 234.5 recommends that railroad companies follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 CFR Part 234.

(2) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up and used by individuals trained in and familiar with the provisions of and according to the guidelines in the Manual on Uniform Traffic Control Devices, Part VI.

(3) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in work zones. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(4) Standards for high-visibility safety apparel.

(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standards for High-Visibility Safety Apparel, specifically, a garment containing at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material; and
- A high-visibility hard hat.

(b) While flagging at night, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999 over white coveralls, or other coveralls or trousers designed according to ANSI/ISEA 107-1999 standards; and
- A high-visibility hard hat that is marked with at least twelve square inches of reflectorized material providing three hundred sixty degrees of visibility.

(c) While flagging during inclement weather, yellow rain gear, white rain gear, or rain gear designed according to ANSI/ISEA 107-1999 may be substituted for white coveralls.

(5) Railroad companies must develop and use a method to ensure that whenever there is any potential hazard associated with motor vehicles, construction equipment, or on-track equipment, that flaggers have adequate warning of objects approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:
- Mount a mirror on the flagger's hard hat;
- Use a motion detector with audible warning; or
- Use a spotter.

(6)(a) Railroad companies must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when job site conditions change significantly. The briefing must include applicable portions of the traffic control plan and any changes applicable during the flagger's shift. If not covered in the traffic control plan, the briefing must also include:

- The flagger's role and location at the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- Expected train and other on-track equipment movements;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job site at a roadway allowing speeds of forty-five mph or more and the job will last more than one day, the railroad company must keep on the site a current site-specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and
- Surveillance and inspection.

(7)(a) Where flaggers are used on roads allowing speeds of at least forty-five mph, the railroad company must provide an additional warning sign marked "BE PREPARED TO STOP."

(b) This sign is in addition to those required by Part VI of the Manual on Uniform Traffic Control Devices. It should be placed between the last two warning signs in the series or on the opposite side of the road when used on undivided roads.

(c) This additional sign does not increase the required advance warning area.

(d) The purpose of this additional sign is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(8) To protect flaggers, railroad companies must ensure that:

(a) Flagger workstations are illuminated at night and during inclement weather by floodlights. It is important to adequately illuminate the workstation without creating glare in the eyes of approaching drivers. The adequacy and proper placement of floodlights can best be determined by driving through and observing the workstation from each direction on the roadway.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs should either be taken down or covered.

(c) Flaggers are not assigned other duties while engaging in flagging activities.

(d) Flaggers do not use devices (e.g., cell phones, pagers, or radio headphones) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communication between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert.

(9) Unless an emergency makes it impossible, before performing any work, railroad companies must coordinate all repair, maintenance, and construction work with the governing authority responsible for the road on which the crossing exists.

(10) Information about Title 49 CFR, the Manual on Uniform Traffic Control Devices, and ANSI/ISEA 107-1999 regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-235, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-240 Passenger carrying vehicles—Equipment.** (1) Equipment requirements for all vehicles.

(a) Vehicles must comply with all applicable equipment requirements of Title 46 RCW.

(b) Vehicles must have exhaust systems that prevent exposure of passengers to the vehicle's emissions.

(c) Vehicles must have two external rear vision mirrors, one at each side of the cab. The mirrors must be firmly attached to the motor vehicle at a point where the driver is provided a view of the highway to the rear along both sides of the vehicle. An outside mirror may be placed only on the driver's side on vehicles in which the driver has a view to the rear by means of an interior mirror.

(d) Vehicles must be equipped with a steering system maintained to insure that lash or preplay do not exceed those values set forth in 49 CFR, Parts 570.7 and 570.60 (Vehicle in Use Inspection Standards). Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(e) Vehicles must have a heating system that will maintain an ambient temperature of at least fifty-five degrees in passenger areas.

(f) Vehicles must have at least three red-burning fusees, three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in an emergency. The driver must ensure that such equipment is in the vehicle and is maintained in good condition. Any devices that may create a spark or open flame must be carried in a separate compartment or a closed metal container provided for that purpose.

(g) Vehicles must have a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located where it is readily accessible for use. The extinguisher must allow visual determination of the state of its charge at all times. The extinguishing agent must be nontoxic and preferably noncorrosive. The fire extinguisher must be suitable for attachment to the motor vehicle, bear the label of approval by the Underwriters Laboratories, Inc., and be kept in good working condition at all times.

(h) Vehicles must have a first-aid kit located where it is readily accessible. The kit must contain all of the items specified in ANSI 2308.1, Minimum Requirements for Workplace First Aid Kits. Additionally, the kit must contain gloves capable of preventing exposure to bloodborne pathogens. Items used from first-aid kits must be replaced before the next shift, and kits must be checked for compliance with this rule if the seal on the kit is broken. Information about ANSI 2308.1 regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) Equipment requirements for specified vehicles.

(a) Coupling devices used on a vehicle equipped with retractable flange wheels for operation on railroad tracks must be substantial and made of metal. The devices must be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(b) A passenger compartment separate from the cab of the vehicle must be made of metal and be fastened directly to the frame of the vehicle. The compartment must have an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor of the compartment must be constructed to bear the weight of all cargo and passengers. The floor must not have unnecessary openings, and it must be constructed to prevent the entry of noxious fumes or permeation with flammable materials. The compartment must have a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and a tailgate which must be closed whenever the vehicle is in motion. If the bottom of the entrance to the passenger compartment is more than three feet six inches above ground level, the vehicle must have permanent or temporary steps designed for the safe boarding and discharge of passengers.

(c) Communication between a cab and a separated passenger compartment must be provided by means of a light or audible device mounted in the cab of the vehicle that may be activated by a passenger in the rear compartment.

(d) On vehicles designed to transport nine or more passengers, an emergency exit must be placed at the end of the vehicle opposite the regular entrance. The exit must be at least six and one-half square feet in area, and the smallest dimension must be at least eighteen inches. The route to and from the emergency exit must be unobstructed at all times.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-240, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-240, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-245 Passenger carrying vehicles—Operation.** (1) **General.** All passenger carrying motor vehicles must be operated in compliance with state law no matter where the vehicle is operated. Drivers must operate vehicles in a careful and prudent manner and at reasonable and proper speeds, with due regard to circumstances and to the use of highways by others.

(2) **Minimum age, skill, and physical condition of drivers.** Drivers of passenger carrying vehicles must be at least eighteen years old. Before being allowed to drive or operate a passenger carrying vehicle, drivers must have demonstrated the physical capability of handling the controls of the vehicle with ease. Before driving a vehicle, drivers or operators must obtain either a valid Washington state driver's license or a valid license from the state of the driver's residence. The driver must carry the license at all times while operating a vehicle. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver must have such license or endorsement.

(3) **Driver's daily hours of service.** No driver of any passenger carrying vehicle may drive for more than ten hours without resting afterward for a minimum of eight consecutive hours.

(4) **Refueling.** No driver or any employee of a railroad company operating within the state may:

(a) Fuel a passenger carrying vehicle with the engine running;

(b) Smoke or expose any flame in the vicinity of a vehicle being fueled;

(c) Fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank;

(d) Insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) **Driving rules.**

(a) Drivers must bring vehicles to a complete stop not less than fifteen feet from the nearest rail of any at-grade crossing before crossing the track except:

- Where traffic is controlled by a police officer or a duly authorized flagger;

- Where traffic is regulated by a traffic control signal;

- Where traffic is controlled by crossing gate arms or an alternately flashing light signal intended to give warning of the approach of a train;

- Where an official traffic control device as designated by the commission pursuant to RCW 81.53.060 (i.e., an "EXEMPT" sign, specified as R15-3 by the Manual on Uniform Traffic Control Devices) gives notice that the stopping requirement imposed by this section does not apply. Information about the Manual on Uniform Traffic Control Devices regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(b) Drivers must not change gears while crossing any railroad tracks.

(c) No driver may drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(d) No driver may proceed down a grade with the gears in neutral or the clutch disengaged.

(e) At the beginning of his or her use of a vehicle, the driver must perform a brake test immediately before, and immediately after, the vehicle begins moving to ensure that the brakes are functioning properly.

(6) **Loading and carrying of passengers.** Drivers are in charge of the vehicle and must require passengers to observe vehicle rules. Passengers may not enter or exit from the vehicle while it is in motion, or ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle, they must be stored in enclosed racks or boxes that are secured to the vehicle in a manner that prevents employees from being struck in the event of sudden starts, stops, or turns. The driver must assure that tools and materials are properly secured before moving the vehicle.

(7) **Limitation on transportation of explosives, gasoline, and other hazardous materials on passenger carrying vehicles.** Explosives other than track torpedoes and fusees may not be carried in or on any vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes or fusees are carried in a passenger carrying vehicle, they must be carried in a separate compartment or container provided for that purpose. Gasoline, or other hazardous materials, must not be carried in either the cab or in the passenger compartment; however, oxygen or acetylene cylinders may be carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammable materials when they are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuel must be vented in a manner that prevents the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums, must be properly secured where they will not interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials must not be parked within three hundred feet of an open fire. Smoking is prohibited within fifty feet of a vehicle carrying explosive or flammable materials.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and

chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-245, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-250 On-track equipment.** (1) When approaching and passing over a railroad-highway grade crossing, operators of motor track cars, speeders, or other on track equipment must remain in complete control of the equipment, be prepared to stop for vehicular or pedestrian traffic on the highway, stop if necessary to avoid an accident, and provide effective warning for vehicular or pedestrian traffic at the crossing.

(2) Railroad companies that allow persons other than railroad personnel on official railroad business to operate motor track cars, speeders, or other on track equipment on their track must ensure that the operators comply with subsection (1) of this section.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-250, filed 1/30/01, effective 3/2/01.]

## PART 3: REPORTING REQUIREMENT RULES

**WAC 480-62-300 Annual reports.** (1) The surface transportation board annual report form R1 must be used by Class I railroad companies as the annual report form for submission to the commission. Class II and Class III railroad companies must use report forms periodically published by the commission.

(2) Each year every railroad company is responsible for obtaining the proper report form from the commission. Reports must be completed for the preceding calendar year's operations. One copy of the completed annual report must be submitted to the commission no later than May 1 of the succeeding year.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-300, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-305 Railroad community notice requirements.** This rule is not intended to cover immediate safety hazards or emergencies.

(1) At least ten days prior to taking any planned action that may have a significant impact on a community, railroad companies must notify, in writing, the governing authority of the community and the commission of the planned action.

Note: Maintenance practices, such as replacing broken planks if the opportunity to do so is unexpectedly presented, are not considered to be planned actions and would likely prevent safety hazards. In such situations, advance notice would not be required.

(2) Examples of actions that may have significant impact on a community include disrupting the use of a crossing for track inspection, reconstruction, maintenance, or blocking a crossing.

(3) The notice must contain a heading with the words "important notice" in prominent type and contain, at a minimum, the following:

(a) Date the notice is issued;

(b) A clear explanation of the type of planned event;

(c) Specific location of the event;

(d) An estimation of the start and completion date of the event;

(e) Any additional information that will assist the community to plan for the event;

(f) Railroad company contact person and phone number; and

(g) A statement substantially as follows: "If you have questions about the regulatory process, you may contact the Washington Utilities and Transportation Commission at: WUTC, 1300 S. Evergreen Park Dr. S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free). Also, you may contact the Federal Railroad Administration at 1-800-724-5998 (toll-free)."

(4) Whenever a highway authority plans to perform maintenance that will affect a crossing, it must notify the railroad company and local jurisdiction at least ten days before performing the maintenance.

(5) Whenever a railroad company plans to perform maintenance that involves changing the type of material used as a grade crossing surface, it must also notify the commission at least ten days prior to performing the replacement.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-305, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-310 Accident reports.** (1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1-800-258-5990 of any event connected to the operation of the railroad company that results in the:

(a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);

(b) Death of any person;

(c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or

(d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four

hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the event;

(d) Circumstances of the event;

(e) Number and identity of persons suffering injuries;

(f) Number of fatalities and the identities of the deceased;

(g) The type and amount of hazardous material spilled; and

(h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-310, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-315 Miscellaneous reporting requirements.** (1) Within thirty days of a request from the commission, every railroad company must report to the commission on the sales, transfers or abandonments of all trackage which crosses a public road. The report must contain a description of the transaction, clear identification of the track involved in the transaction, the effective date of the transaction, and the name and address of the last known owner(s) or operator(s) of the section transferred.

(2) Upon request, every railroad company and railroad company official must report to the commission the information then available to it regarding the average number of daytime through trains, nighttime through trains, and switching movements over specific grade crossings in its control. Reports must identify each crossing by USDOT number and road name.

(3) Upon request, every railroad company must inform the commission in writing of the names, addresses, and telephone numbers of the persons to whom to report emergencies of any nature, and problems or defects with crossing signals, passive warning devices, and crossing surfaces. The information must be current at all times.

(4) Upon request, every railroad company must provide the commission with access to or copies of track profiles. This requirement may be satisfied by allowing electronic access to track profiles.

(5) Upon request, every railroad company must provide the commission with access to or copies of its timetable. This requirement may be satisfied by allowing electronic access to the timetables.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-315, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-320 Remote controlled operations.** (1) Railroad companies, including logging and industrial railroad companies, must report their intention to use remote control devices to operate trains thirty days before operations begin. The report must include:

(a) The name of the railroad company;

(b) The date operations will start;

(c) The location of the operations; and

(d) Whether trains with locomotives operated by remote control will travel over at-grade pedestrian or vehicular crossings.

(2) If remote controlled trains will be operated over crossings, the railroad company must list the affected crossings.

(3) Each railroad company using remote control devices on the effective date of this rule must submit the report within thirty days after the effective date.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-320, filed 1/30/01, effective 3/2/01.]

**WAC 480-62-325 Railroad police officers—Notice.** (1) Every railroad company that has employees who are commissioned as railroad police officers pursuant to chapter 81.60 RCW must send written notice to the commission within thirty days after the effective date of these rules.

(2) When any person is commissioned as a railroad police officer, an officer's commission is terminated, or a change occurs in the information previously reported under subsection (3) of this section, the affected railroad company must send written notice to the commission within ten days after the change occurs.

(3) The notices specified in subsections (1) and (2) of this section must contain the following information:

(a) The name of the railroad police officer;

(b) The badge number, identification number, code or other identifying information assigned to the railroad police officer;

(c) The date of commission;

(d) The state or states where the railroad police officer is commissioned; and

(e) The address and telephone number of the officer's primary business office.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-325, filed 1/30/01, effective 3/2/01.]

## PART 4: ADOPTION BY REFERENCE

**WAC 480-62-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-62-160, 480-62-200, 480-62-205, 480-62-210, 480-62-215, 480-62-235 and 480-62-240.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices,** cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230, 480-62-235 and 480-62-245.

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules,** cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230.

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet website for the office of the code reviser (slc.leg.wa.gov).

(4) **ANSI Z308.1 - 1998 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, 1998.

(b) This publication is referenced in WAC 480-62-240.

(c) Copies of ANSI Z308.1 - 1998 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (http://web.ansi.org/).

(5) **ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-235.

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West 42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (http://web.ansi.org/).

(6) Title 49 United States Code, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200.

(c) Copies of Title 49 United States Code are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

# Chapter 480-66 WAC
# RAILROAD COMPANIES—SANITATION

WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-66-010 Definitions. [Order R-5, § 480-66-010, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective

| | |
|---|---|
| | 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-020 | Water supply. [Order R-5, § 480-66-020, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-030 | Toilets. [Order R-106, § 480-66-030, filed 7/20/77; Order R-23, § 480-66-030, filed 3/22/71; Order R-5, § 480-66-030, filed 6/6/69, effective 10/9/69. *See Reviser's note, chapter digest.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-040 | Eating places and lunch rooms. [Order R-5, § 480-66-040, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-050 | Sleeping accommodations. [Order R-5, § 480-66-050, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-060 | Cleanliness and maintenance. [Order R-5, § 480-66-060, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |
| 480-66-070 | General. [Order R-23, § 480-66-070, filed 3/22/71; *Order R-5, § 480-66-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040. |

**Reviser's note:** WAC 480-66-010 through 480-66-070 as filed June 6, 1969, were to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in WAC Supplement #3, was October 9, 1969. See also, reviser's note Title 480 WAC digest.

## PART 1 - GENERAL INFORMATION

**WAC 480-66-100 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**"Bunk or section house"** means the portion of any building in which employees are provided sleeping or living accommodations, except family dwellings.

**"Caboose"** means any car or coach used on a train to carry the train crew.

**"Commission"** means the Washington utilities and transportation commission.

**"Company"** means a common carrier railroad company as employer.

**"Employee"** means any person employed by a company.

**"Incinerator toilet"** means a toilet containing a receptacle for toilet waste to which intense heat is applied.

**"Number of employees"** means the maximum number of employees going on or coming off shift within any single hour.

**"Office work area"** means a yard office, station, depot, terminal, or freight, baggage and express office located on railroad property which is the usual place of employment for the performance of clerical or other work identified with office functions of the company.

**"Railroads"** means common carrier railroads.

**"Sanitary"** means free from things injurious to health, or effective in preventing or checking the effects of those things.

**"Station"** means a location where freight or passengers are ordinarily received and delivered, including all freight and express offices.

**"Terminal"** means a location where train crews and other employees are regularly required to report for duty.

**"Toilets"** means fixtures such as flush toilets, chemical closets, or privies used for the purpose of defecation.

**"Usual place of employment"** means the place where an employee works with a reasonable measure of continuity throughout the major part of the employee's company service.

**"Yards"** means yards, section headquarters, and locomotive and car shops.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-100, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-110 Application of chapter.** The rules in this chapter apply to all railroads operating within the state of Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-110, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-120 Contacting the commission.** You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile.

The commission's location, mailing address, e-mail address, and telefax numbers are found in WAC 480-09-100. The commission's internet home page address is found in WAC 480-04-050.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-120, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-140 Rules of practice and procedure.** The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-140, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-150 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 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-150, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-160 Filing a complaint.** Any interested person who believes that available sanitary or shelter facilities are inadequate or unsatisfactory under the rules in this chapter may file an informal or formal complaint with the commission pursuant to WAC 480-09-150 and 480-09-400 requesting the responsible party or parties to correct the condition. Upon investigating the complaint, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-160, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-170 Reporting requirements.** Railroads must report to the commission, upon request, concerning the company's sanitation and shelter facilities and servicing programs required by these rules.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-170, filed 1/21/00, effective 2/21/00.]

## PART 2 - GENERAL SANITATION RULES

**WAC 480-66-200 General obligations.** (1) The company is responsible for providing employees with all items required by these rules.

(2) The company must, at all times, maintain all items required in these rules in proper working order and in a condition which is sanitary, free from vermin and rodents, and which is not offensive to a reasonable person, except when the items are taken out of service and are not accessible by employees.

(3) The company must establish a program to regularly review and service all items required in these rules to meet its obligations under subsections (1) and (2) of this section; however, implementing a program must not be a substitute for actual compliance with subsections (1) and (2) of this section.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-200, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-210 Locomotive cabs and cabooses.** (1) During use, locomotive cabs must be heated to a minimum of 50 degrees Fahrenheit.

(2) When required by the season of the year, doors and windows of all locomotives must be equipped with adequate protection to occupants from the elements by means of weather stripping, or other device sufficient to provide equally adequate protection.

(3) Cabooses must be maintained in a clean and sanitary condition.

(4) When required by the season of the year, doors, and windows of cabooses must be equipped with adequate weather stripping.

(5) Every caboose used in any train in this state, regardless of service, must be provided with a stove or other adequate means of heating. The company shall provide a sufficient supply of fuel for the trip or shift.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-210, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-220 Stationary facilities.** (1) Bed linen furnished by the railroad must be changed, and fresh, clean linen supplied at least once a week and for each new occupant.

(2) Adequate shelter must be furnished and maintained for watchmen. The shelter must be adequately heated, sealed and insulated against cold and inclement weather.

(3) Office work areas must be clearly lighted at all times during hours of use.

(4) Office work areas must be heated at all times during hours of use to a minimum of 65 degrees Fahrenheit.

(5) Office work areas must be provided with cross-ventilation when possible.

(6) Windows, ventilators and doors opening to the outside of office work areas must be properly screened during the seasons when insects are prevalent.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-220, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-230 Miscellaneous.** (1) Toilet rooms and washrooms must not be used for storage.

(2) Floors in all buildings and movable facilities must be maintained in a clean, and so far as reasonably possible, dry condition. Where wet processes are used, drainage must be maintained and false floors, platforms, mats or other dry standing places must be provided wherever reasonably possible.

(3) Screens required by these rules must be of 16 mesh or equal.

(4) Suitable receptacles for the storage of waste and refuse must be provided wherever needed. They must be maintained in a sanitary condition. Receptacles used for moist or liquid waste must be made of a smooth finished surface, impervious to moisture. They must be kept covered and must be washed out as often as necessary to keep them clean.

(5) All sweepings, waste and refuse must be removed in a manner which avoids raising dust, and as often as necessary to keep all rooms used by employees clean.

(6) Toilet waste must not be discharged onto the ground surface from railroad cars within servicing area of yards. Those areas must be kept free of refuse, litter, debris, vermin and rodents.

(7) Adequate drainage must be provided where work is performed in repair yards or on repair tracks in the open or in open sheds or pits. Waste must not drain into any water of the state, nor contaminate the ground surface, but must be dis-

posed of in a manner approved by the Washington state department of health.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-230, filed 1/21/00, effective 2/21/00.]

## PART 3 - WATER SUPPLY, DRESSING ROOMS AND LOCKERS

**WAC 480-66-300 Drinking water.** (1) An adequate supply of cool drinking water must be made available to all employees wherever they may be working.

(2) Drinking water must meet all standards of the Washington state department of health.

(3) Containers used to furnish drinking water must meet all specifications of the Washington state department of health and must be sterilized as often as necessary to assure a sanitary water supply.

(4) The common drinking cup is prohibited.

(5) Cross-connections between potable and nonpotable water supplies are prohibited. Nonpotable water supplies must be clearly labeled as not fit for drinking or washing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-300, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-310 Washing facilities.** (1) An adequate number of wash basins or lavatories for maintaining personal cleanliness must be provided within reasonable access for all employees normally assigned to office work areas, stations, yards, terminals, shops, engine houses, lunch rooms, bunk houses, and section houses. All other employees must be provided an adequate means to maintain personal cleanliness for eating purposes and after defecation or urination.

(2) The following table must be used to determine the adequacy of washing facilities (twenty four inches of trough or circular wash basin is considered the equivalent of one wash basin):

| Number of Employees | Minimum Number of Facilities |
|---|---|
| 1 to 10 | 1 basin |
| 11 to 24 | 2 basins |
| 25 to 49 | 3 basins |
| 50 to 100 | 5 basins |
| Over 100 | 5 basins plus 1 more for each additional 25 employees |

(3) At least one wash basin must be located in or adjacent to each toilet room.

(4) Wash basins or lavatories must be made of smooth finished material, impervious to moisture.

(5) Supplies for wash basins or lavatories must include:

(a) Hot and cold running water to wash basins.

(b) Mechanical drying facilities or individual towels, either paper or cloth. The use of common towels is prohibited.

(c) Waste receptacles for used paper towels.

(d) Soap or other suitable cleansing agent at each wash basin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-310, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-320 Showers.** Showers must be required when the commission determines that they are necessary at a specific location to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes, vapors, or other materials or substances injurious to health. Adequate locker and dressing room facilities will be provided with showers. Specifications for showers will be determined for each location when the need for showers is established.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-320, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-330 Dressing rooms and lockers.** (1) Separate dressing rooms must be provided for men and women in all places of employment where it is necessary for employees to change clothing. Dressing rooms must be separated from toilet rooms by solid partitions and doors. Dressing rooms must have at least eighty square feet of floor space. If more than ten employees, at least an additional four square feet must be provided for each additional employee. Benches must be provided. Dressing rooms must be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where reasonably possible, cross-ventilation must be provided.

(2) Individual metal lockers must be provided where dressing rooms are required. Lockers must also be provided for each employee who must store work-related items at any time. Lockers must be convenient for employee access and must be provided where needed, even if one locker must be provided to an employee at each end of a run. Lockers must be at least twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers must be equipped with a shelf and with at least one clothes hook for each side or equivalent hanger bar, and also with sufficient openings in the door for purposes of ventilation.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-330, filed 1/21/00, effective 2/21/00.]

## PART 4 - TOILETS

**WAC 480-66-400 General.** (1) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals must be maintained.

(2) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(3) No privy, urinal, cesspool, septic tank or other receptacle for human excrement must be used which directly or indirectly drains or discharges over, into or upon the surface of the ground or into the waters of the state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-400, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-410 Water closets.** (1) Every flush toilet must have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl must be constructed of a smooth finished material impervious to moisture.

(2) Every bowl must be installed in a manner which allows surroundings and floor space to be easily cleaned.

(3) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for movable facilities.

(4) Every flush toilet must have a separate hinged seat made of a smooth finished material, other than metal, impervious to moisture.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-410, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-420 Urinals.** (1) Every urinal must be made of a smooth finished material impervious to moisture.

(2) Every urinal must be located within a toilet room.

(3) Twenty-four inches of trough urinal is equivalent to an individual urinal.

(4) Wherever a slab urinal is installed, the floor must be sloped toward the urinal drain for a distance of at least twenty-four inches in front of the urinal. Adequate splash guards must be installed.

(5) Every urinal must be flushed from a water-supplied tank or through valve, and flush valves must be installed with an approved back-flow preventer. Every tank must furnish an adequate quantity of water for each discharge for every fixture. In place of discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(6) Clear floor space for each urinal or its equivalent must be at least two feet in width.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-420, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-430 Chemical toilets.** All chemical toilets installed must be of a type approved by the commission. Containers must be charged with chemical solution of proper strength and their contents must be agitated daily with proper devices provided for that purpose. When containers are more than two-thirds full the contents must be disposed of in an approved manner. The stacks connecting the seats with the containers must be cleaned as often as is necessary to keep them in a clean and sanitary condition.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-430, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-440 Incinerator toilets.** (1) All incinerator toilets used on railroad equipment in the state of Washington must be of a type approved by the commission.

(2) The installation and method of venting must be approved by the commission.

(3) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-440, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-450 Privies.** (1) All privies must be located, constructed, and maintained to avoid contaminating any water of the state.

(2) A suitable approach, such as concrete, gravel or cinder walk must be provided.

(3) Privies must be constructed and maintained to be insect and rodent proof.

(4) Every privy must be provided with a door that is self-closing.

(5) The lids over the seats must be constructed to fall into a closed position when the seat is not occupied.

(6) The pit, or vault must be ventilated to the outside air by means of a stack protected at its outlet by screens.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-450, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-460 Specifications for toilet rooms.** (1) Separation.

(a) No toilet room must have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated by a self-closing door maintained in operating condition.

(b) Separate toilet facilities must be provided for men and women, and each toilet room must be plainly marked by a sign reading **"men"** or **"women."** However, where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where a single occupancy room has more than one toilet, only one of them may be counted for the purpose of the table in WAC 480-66-470.

(c) There must be no direct connection between toilet rooms for men and women. Each must have a separate entrance, and each entrance door must have an automatic closing device maintained in operating condition.

(2) In toilet rooms containing more than one water closet, each water closet must be in an individual compartment.

(3) Every toilet room must be adequately ventilated.

(4) All toilet facilities must be clearly lighted at all times during working hours.

(5) Every toilet room other than privies must be kept adequately heated.

(6) All windows, ventilators, and other openings, must be screened to prevent the entrance of insects. Toilet rooms must be kept free of insects and vermin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-460, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-470 Number of toilets required.** General.

(1) Adequate toilet facilities must be provided for all employees, and for each sex. Facilities must be conveniently located and accessible, and must be maintained at all times in

a usable and sanitary condition and in a condition which is not offensive to a reasonable person.

(2) The following table must be used as a guide in determining the adequacy of toilet facilities.

| Number of Employees | Minimum Number of Facilities |
|---|---|
| 1 to 10 persons | 1 toilet |
| 11 to 25 persons | 2 toilets |
| 26 to 49 persons | 3 toilets |
| 50 to 100 persons | 5 toilets |
| 100 persons or over | 5 toilets plus 1 more for each additional 25 employees |

(3) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets must not be reduced to less than two-thirds of the number shown in the foregoing table.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-470, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-480 Supplies for toilets.** (1) An adequate supply of toilet paper with holder must be maintained.

(2) In all toilet rooms used by women dispensing machines for sanitary napkins must be provided if requested.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-480, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-490 Location and types of toilets.** (1) Movable facilities. Flush, chemical, or incinerator type toilets must be provided on the following movable facilities:

(a) The lead locomotive of all trains except when used in yard service.

(b) Baggage and express cars where employees are required to work en route.

(c) Cabooses.

(2) Stationary facilities. Appropriate toilets, as required by these rules, must be provided and made accessible to all employees at all terminals, yards, stations, depots, office work areas, engine houses and shops, bunk or section houses, section headquarters, lunch rooms, and maintenance of way camps.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-490, filed 1/21/00, effective 2/21/00.]

## PART 5 - EATING FACILITIES

**WAC 480-66-500 Eating places.** (1) At all permanent and semi-permanent installations, an acceptable place with adequate space for eating meals must be provided for employees who bring their meals to their place of employment, or eat meals prepared at the camp facilities. An acceptable place with adequate space for eating meals must be provided at all other places whenever reasonably possible.

(2) Eating places must be constructed to permit them to be readily cleaned. At all times, they must be kept clean and sanitary, in good repair, and free of rodents, insects and vermin.

(3) Kitchen cars or other camp facilities must have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(4) If employees are allowed or required to eat in a locomotive, the eating area must be kept clean and sanitary at all times.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-500, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-510 Lunch rooms.** (1) In lunch rooms where food is served for employees, the food, equipment, and facilities are subject to the rules and regulations of the state department of health pertaining to public food establishments.

(2) Employees and workers handling and serving food are subject to those rules and regulations of the state department of health which are necessary to the sanitary handling of food.

(3) Concessionaire facilities provided by the company in lieu of direct company operations must comply with the regulations in these rules with respect to adequate space, adequate food handling facilities, sanitation and cleanliness.

(4) Adequate table and seating facilities must be provided for the maximum number of employees using the room at any one time.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-510, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-520 Specifications for lunch rooms and eating places.** (1) General. The minimum area of lunch rooms, or the amount of space to be added to that required for a locker room where a lunch room is not provided, must be based upon the maximum number of employees using the room or added space at any one time, in accordance with the following table:

| Number of Employees | Square Feet Per Employee |
|---|---|
| 10 to 25 | 8 |
| 26 to 74 | 7 |
| 75 to 149 | 6 |
| 150 to 499 | 5 |
| 500 and more | 4 |

(2) Every eating place and lunch room must be adequately ventilated. Where reasonably possible cross-ventilation must be provided.

(3) All lunch rooms must be clearly lighted at all times during hours of use.

(4) Every lunch room must be kept reasonably heated at all times.

(5) The windows, ventilators and doors opening to the outside of all lunch rooms must be properly screened during the season when insects are prevalent.

(6) One or more covered receptacles, as needed, must be furnished in lunch room and eating places for the disposal of waste food and other waste matter. The containers must be emptied regularly and cleaned as often as needed. The area

where the receptacles are kept must be maintained free of litter overflowing the receptacles.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-520, filed 1/21/00, effective 2/21/00.]

## PART 6 - SLEEPING ACCOMMODATIONS

**WAC 480-66-600 Specifications for all accommodations.** (1) Walls, floors and ceilings must be constructed to permit them to be readily cleaned.

(2) Exterior windows and doors must be weather stripped during cold weather.

(3) Screens must be provided for outer doors and windows during any season when insects are prevalent.

(4) Heating facilities and adequate fuel must be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(5) Lighting, by windows and/or acceptable artificial illumination, must be provided.

(6) Ventilation must be provided by windows opening directly to the outside air.

(7) Beds, bunks or cots with proper mattresses must be provided. The beds, bunks or cots must be raised at least twelve inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least twenty-seven inches of clear space above it.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-600, filed 1/21/00, effective 2/21/00.]

**WAC 480-66-620 Stationary facilities.** Dormitories or bunk rooms must be large enough to provide at least fifty square feet of floor area for each person. However, where double bunks are used at least thirty square feet of floor space must be provided for each person using a double bunk. The headroom of dormitories or bunk rooms must be at least seven feet.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-620, filed 1/21/00, effective 2/21/00.]

# Chapter 480-70 WAC

# SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

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480-70-010 Communications. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-70-010, filed 12/23/87; Order R-43, § 480-70-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-010, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-020 Documents—When filed. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-70-020, filed 12/23/87; Order R-43, § 480-70-020, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-020, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-030 Remittances. [Order R-5, § 480-70-030, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-040 Change of address. [Order R-5, § 480-70-040, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-050 Definitions. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-050, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-050, filed 6/21/90, effective 7/22/90; Order R-5, § 480-70-050, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-055 Adoption by reference defined. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-060 Licenses. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-060, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-060, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-070 Certificates, no operation without. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-070, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-070, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-080 Operation under trade name. [Order R-5, § 480-70-080, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-090 Certificates, must be filed main office. [Order R-5, § 480-70-090, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-100 Certificates, secured by false affidavit. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-100, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-100, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-110 Certificate, sale, etc. [Order R-5, § 480-70-110, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-120 Certificates, application for. [Statutory Authority: RCW 80.01.040. 92-24-061 (Order R-382, Docket No. TG-920686), § 480-70-120, filed 11/30/92, effective 12/31/92; 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-120, filed 9/25/85; Order R-90, § 480-70-120, filed 1/19/77; Order R-5, § 480-70-120, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-130 Temporary certificates, application for. [Statutory Authority: RCW 80.01.040. 91-17-093 (Order R-347, Docket No. TG-901089), § 480-70-130, filed 8/21/91, effective 9/21/91. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-130, filed 1/14/91, effective 2/14/91; Order R-26, § 480-70-130, filed 5/14/71; Order R-5, § 480-70-130, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-140 Certificates, description, hearing for clarification. [Order R-5, § 480-70-140, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-150 Certificates, applications—Notice to existing carriers. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-150, filed 1/14/91, effective 2/14/91; Statutory Authority: RCW 80.01.040. 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-150, filed 9/25/85; 82-13-089 (Order R-191, Cause No. TG-1575), § 480-70-150, filed 6/23/82; Order R-19, § 480-70-150, filed 5/12/70; Order R-5, § 480-70-150, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01,

effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-155 Contemporaneous applications. [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), § 480-70-155, filed 10/30/91, effective 11/30/91.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-160 Certificates, qualifications for. [Order R-5, § 480-70-160, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-170 Certificate, must abide by. [Order R-5, § 480-70-170, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-180 Certificate, sale, etc. [Order R-90, § 480-70-180, filed 1/19/77; Order R-5, § 480-70-180, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-190 Miscellaneous fees. [Order R-50, § 480-70-190, filed 8/8/73; Order R-5, § 480-70-190, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-200 Certificates, duplicates. [Order R-5, § 480-70-200, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-210 Certificates, reinstatement. [Order R-5, § 480-70-210, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-220 Application fees forfeited-denied application, no renewal for six months. [Order R-5, § 480-70-220, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-230 Dual operation. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-230, filed 1/14/91, effective 2/14/91; Order R-31, § 480-70-230, filed 10/18/71; Order R-5, § 480-70-230, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-240 Tariff, naming rates and charges. [Statutory Authority: RCW 80.01.040. 92-01-052 (Order R-358, Docket No. TG-900715), § 480-70-240, filed 12/11/91, effective 1/11/92; Order R-73, § 480-70-240, filed 6/25/75; Order R-31, § 480-70-240, filed 10/18/71; Order R-5, § 480-70-240, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-245 Agreements to operate certificates. [Order R-31, § 480-70-245, filed 10/18/71.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-250 Insurance. [Statutory Authority: RCW 80.01.040. 94-11-004 (Order R-414, Docket No. TG-940127), § 480-70-250, filed 5/4/94, effective 6/4/94; Order R-5, § 480-70-250, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-260 Insurance endorsement. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-260, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-260, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-270 Insurance termination. [Order R-5, § 480-70-270, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-280 Surety bond. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-280, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-280, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-290 Equipment of motor vehicles. [Order R-5, § 480-70-290, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-300 Motor vehicles, identification. [Order R-5, § 480-70-300, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-310 Motor vehicles, safety, sanitary, inspection. [Order R-5, § 480-70-310, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-320 Motor vehicles, safe operation. [Order R-5, § 480-70-320, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-325 Equipment—Inspection—Ordered for repairs. [Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-325, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-70-325, filed 2/27/90, effective 3/30/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-330 Drivers, hours of work. [Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-330, filed 12/31/91, effective 1/31/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-330, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-330, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-70-330, filed 11/7/85. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-330, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-330, filed 8/7/80; Order R-5, § 480-70-330, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-335 Out-of-service criteria. [Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-335, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-70-335, filed 2/27/90, effective 3/30/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-340 Annual fee. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-340, filed 1/14/91, effective 2/14/91; Order R-57, § 480-70-340, filed 11/7/73; Order R-5, § 480-70-340, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-350 Accounts—Uniform system adopted—Reports. [Statutory Authority: RCW 80.01.040. 92-03-082 (Order R-367, Docket No. TG-911200), § 480-70-350, filed

1/15/92, effective 2/15/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-350, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-70-350, filed 12/15/89, effective 1/15/90. Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-093 (Order R-167, Cause No. TG-1502), § 480-70-350, filed 7/22/81; Order R-31, § 480-70-350, filed 10/18/71; Order R-5, § 480-70-350, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-360 Contracts. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-360, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-360, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-370 Disabled motor vehicles—Substitution. [Order R-5, § 480-70-370, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-380 Equipment—Order for repairs. [Order R-5, § 480-70-380, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-390 Discontinuance of service, commission approval required. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-390, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-390, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-400 Driver qualifications, hazardous materials transportation, and equipment safety. [Statutory Authority: RCW 80.01.040. 94-14-011 (Order R-419, Docket No. TG-940456), § 480-70-400, filed 6/23/94, effective 7/24/94; 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-400, filed 12/31/91, effective 1/31/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-400, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-400, filed 2/23/89. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-400, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 82-05-021 (Order R-183, Cause No. TG-1568), § 480-70-400, filed 2/10/82; 81-19-034 (Order R-176, Cause No. TG-1527), § 480-70-400, filed 9/10/81; 81-18-047 (Order R-172, Cause No. TG-1509), § 480-70-400, filed 8/28/81. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-400, filed 8/7/80; Order R-5, § 480-70-400, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-405 Accident reporting. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-405, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-405, filed 2/23/89. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-405, filed 8/7/80.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-410 General application of rules. [Order R-5, § 480-70-410, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-420 Penalty assessments. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-420, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-420, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-430 Rules, waiver. [Order R-5, § 480-70-430, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-440 Solid waste collection companies statute applicable. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-440, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-440, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-500 Operational requirements. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-500, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-500, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-510 Training requirements. [Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-510, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-530 Packaging and containment. [Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-530, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-540 Transfer of biohazardous or biomedical waste to off-site treatment and disposal facilities. [Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-540, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-550 Shipping paper requirements. [Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-550, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-560 Insurance requirements. [Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-560, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-570 Reporting of accidents. [Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-570, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-570, filed 6/21/90, effective 7/22/90.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-600 Bidding—Definitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-600, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-610 Bidding—Determination of market boundaries and competitiveness. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-610, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-620 Bidding—Petitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-620, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-630 Bidding—Notification of local government. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-630, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-640 Bidding process. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-640, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-700 Availability of information. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-700, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-710 Discontinuance of service. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-710, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-720 Reinstatement of service following discontinuance. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-720, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-730 Refusal of service. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-730, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-740 Refusal or discontinuance of service to premises because of former occupant's unpaid account. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-740, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-750 Deposits. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-750, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-760 Refunds—Other than deposits. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-760, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-770 Form of bills. [Statutory Authority: RCW 80.01.040. 93-20-039 and 93-22-067 (Order R-397, Docket No. TG-921221), § 480-70-770, filed 9/29/93 and 10/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-780 Pass through disposal fees. [Statutory Authority: RCW 80.01.040. 93-20-039 and 93-22-067 (Order R-397, Docket No. TG-921221), § 480-70-780, filed 9/29/93 and 10/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-790 Complaints and disputes. [Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-790, filed 9/29/93, effective 1/1/94.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

480-70-990 Appendix A—Form—Garbage and/or refuse collection companies. [Statutory Authority: RCW 80.01.040. 90-09-015 (Order R-317, Docket No. TG-2296-R), § 480-70-990, filed 4/9/90, effective 5/10/90; Order R-89, Appendix A, pages 3, 4, 6, and 7 (codified as WAC 480-70-990), filed 12/8/76; Order R-73, Appendix A, Pages 1—14, filed 6/25/75; Order R-31, Appendix A, pages 1—14, filed 10/18/71.] Repealed by 92-01-052 (Order R-358, Docket No. TG-900715), filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040.

## PART 1—GENERAL ADMINISTRATIVE RULES

**WAC 480-70-001 Purpose of chapter.** The legislature has declared that operating as a solid waste collection company in the state of Washington is a business affected with a public interest and that such companies should be regulated. The purpose of these rules is to administer and enforce chapter 81.77 RCW by establishing standards for:

- Public safety;
- Fair practices;
- Just and reasonable charges;
- Nondiscriminatory application of rates;
- Adequate and dependable service;
- Consumer protection; and
- Compliance with statutes, rules and commission orders.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-001, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-006 Application.** (1) Except for those operations described in WAC 480-70-011, these rules apply to any solid waste collection company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington, for compensation, over the public highways.

(2) Cases of erroneous or doubtful interpretation of these rules by a solid waste collection company or customer are subject to appeal to the commission by any interested and proper party affected.

(3) Upon proper showing of any solid waste collection company, the commission may waive or modify as to that solid waste collection company the provisions of any rule in this chapter except when such provisions are fixed by statute.

(4) No deviation from these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 81.04 RCW.

(5) A company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington is not exempt from commission regulation under the provisions of:

(a) The Interstate Commerce Act. Commission regulation of solid waste collection companies includes regulation

of the collection and transportation of solid waste between points in the state of Washington and from points in the state of Washington to out-of-state disposal locations; or

(b) The Federal Aviation Administration Authorization Act (FAAAA) of 1994. The FAAAA preempted state regulation of rates, routes and services of property carriers, but did not affect state regulation of solid waste collection companies.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-006, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-011 Exempt operations.** (1) The following collection and hauling operations are not regulated by the commission:

(a) The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW 81.77.020);

(b) The operations of a city or town that itself provides solid waste collection service (refer to RCW 81.77.020);

(c) The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(d) The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(e) The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW 81.77.140);

(f) The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW 81.77.140);

(g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste;

(h) The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or

(i) The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW 36.58.050).

(2) The following collection and hauling operations are not regulated by the commission as solid waste:

(a) The operations of a carrier operating under a permit issued by the commission under chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste. This exemption does not apply if the carrier holds itself out to the public as a transporter of solid waste. Examples of this type of operation include, but are not limited to:

(i) A dump truck operator, who as a part of performing dump truck operations in conjunction with building or construction projects, hauls an occasional load to a disposal site; or

(ii) A household goods carrier who transports to a disposal site the used packing materials from a shipment of household goods that the carrier transported.

(b) A carrier collecting or transporting recyclable materials from a drop box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. This type of operation is regulated under chapter 81.80 RCW as transportation of general commodities.

(3) A carrier transporting commercially salable earth that is used as fill, road ballast, or aggregate is regulated under chapter 81.80 RCW as a transporter of general commodities.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-011, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services.** (1) Chapter 81.77 RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter 81.77 RCW and a motor carrier permit under the provisions of chapter 81.80 RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter 81.80 RCW, or as solid waste under the provisions of chapter 81.77 RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter 81.80 RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter 81.77 RCW.

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

(a) The intent of the shipper;

(b) The intended destination of the shipment;

(c) The actual destination of the shipment;

(d) Special handling or conditions placed on the shipment by the shipper and/or receiver;

(e) The value of the commodity being transported;

(f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and

(g) Whether the carrier holds itself out to the public as a transporter of solid waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-016, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-021 Additional requirements.** (1) These rules do not relieve any solid waste collection company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-021, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-026 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-026, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-031 Resolving disputes about the meaning of these rules.** If the interpretation of any rule in this chapter is questioned by a company, a customer, or an applicant, a request for clarification may be filed with the commission.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-031, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-036 Rules of practice and procedure.** Commission rules governing administrative practices and procedures are in chapter 480-09 WAC. If a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies. Copies of chapter 480-09 WAC are available on request to the commission records center.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-036, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-041 Definitions, general.** (See WAC 480-70-226 for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

**"Application docket"** means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

**"Biomedical waste"** means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories,* current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

**"Biohazardous or biomedical waste generator"** means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

**"Biohazardous or biomedical waste transporter"** means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

**"Biosolids"** means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

**"Business of transporting solid waste for collection and/or disposal for compensation"** means those carriers

who are primarily in the specialized business of solid waste for collection and/or disposal.

**"Cancellation"** means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

**"Certificate"** means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

**"Certificated authority"** means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

**"City regulation"** means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

**"Classes of companies":**

**"Class A company"** means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

**"Class B company"** means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of less than five million dollars.

**"Class C company"** means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

**"Classes of service"** means either commercial, specialized, drop box, or residential service.

**"Company"** means a solid waste collection company.

**"Commercial authority"** means authority to provide solid waste collection service to business, institutional, or industrial generators.

**"Commercial recycling service"** means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

**"Commercial service"** means solid waste collection service provided to a business, institutional, or industrial generator.

**"Commission"** means the Washington utilities and transportation commission.

**"Common carrier"** means any person who transports solid waste by motor vehicle for compensation.

**"Construction debris"** or **"construction waste"** means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

**"Contract carrier"** means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

**"Demolition waste"** or **"demolition debris"** means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

**"Disinfect"** means to cleanse by destroying harmful microorganisms.

**"Disposal site"** means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

**"Dump truck operator"** means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are somewhat seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

**"Filing"** means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

**"Garbage"** means those materials of solid waste that are putrescible.

**"Garbage and refuse."** Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

**"Hazardous waste"** means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

**"Incineration"** means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

**"Incinerator"** means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

**"Landfill"** means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

**"Land-treatment facility"** means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

**"Leachate"** means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

**"Motor vehicle"** means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on

any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

**"Multiple-family residence"** or **"multifamily residence"** means any structure housing two or more dwelling units.

**"Multifamily service"** means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

**"Nonputrescible"** means not capable of being readily decomposed by microorganisms.

**"Occasional"** means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

**"Packer"** means a device or vehicle specially designed to compress loose materials.

**"Person"** means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

**"Private carrier"** means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

**"Private motor vehicle"** means a vehicle owned or operated by a private carrier.

**"Private road"** means a road not normally available for use by the public.

**"Public highway"** means every street, road, or highway in this state normally available for use by the public.

**"Putrescible"** means capable of being readily decomposed by microorganisms.

**"Recyclable materials"** means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

**"Recycling"** means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

**"Refuse"** means those materials of solid waste that are not putrescible.

**"Residence"** means the regular dwelling place of an individual or individuals.

**"Residential authority"** means authority to provide solid waste collection from residences.

**"Residential recycling service"** means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

**"Residential service"** means solid waste collection from residences.

**"Sewer sludge"** means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

**"Shipping paper"** means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC 480-70-401.

**"Small business"** means any company that has fifty or fewer employees.

**"Solid waste"** or **"solid wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles; and
- Source-separated recyclable materials collected from single and multifamily residences.

**"Solid waste collection"** means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

**"Solid waste collection company"** means every common carrier, including a contract carrier, who provides solid waste collection service.

**"Source separation"** means the separation of different kinds of solid waste at the place where the waste originates.

**"Specialized solid waste collection company"** means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

**"State"** means the state of Washington.

**"Suspension"** means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

**"Tariff"** means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

**"Tariff service territory"** means a company-defined geographic division of its certificated authority in which a specific tariff applies.

**"Third-party waste broker"** means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

**"Traditional solid waste collection company"** means a company engaged in collecting and removing solid waste and

recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

**"Transfer station"** means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW 36.58.-030).

**"Treatment"** means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

**"Vehicle"** means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

**"Yard waste"** or **"yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-041, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-046 Change of address or telephone number.** A company must notify the commission in writing of any change in physical business address, business mailing address or business telephone number. This notice must be filed at least ten days before the effective date of the change by letter, telefacsimile, or e-mail.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-046, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-051 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

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

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-051, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-056 Mapping.** (1) **Software and scale compatibility.** The commission uses geographic information system (GIS) software to track certificated authorities. When required by this chapter to file a map, a company must file that map in one of the methods described in (a) and (b) of this section.

(a) **Electronic maps.** A company may file an electronic map that is compatible with the commission's hardware and software. Before filing its map electronically, a company must contact the commission to determine whether its mapping software is compatible with that used by the commission.

(b) **Paper maps.** A company may file a paper map using United States Geological Survey (USGS) maps at a scale of 1:250,000 to show certificate boundaries. The commission may require maps at a scale of 1:24,000 to clearly resolve any inconsistencies. USGS maps are available through the Washington state department of natural resources and various private vendors.

(2) **Map detail.** Any map submitted to the commission must:

(a) Clearly show townships, ranges, streets, county lines, and any other feature described in the certificate;

(b) Be clearly labeled to identify the features described in the certificate;

(c) Have a north arrow;

(d) Have a map legend briefly describing the features on the map;

(e) Have a scale bar showing the distance on the map equal to a defined number of feet, miles or other unit; and

(f) Have a title box that includes the company's name as shown on the company's certificate, the company's registered trade name, the identification number of the company tariff to which the map applies, and a contact name and phone number.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-056, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-061 Records retention.** (1) **General provisions.** A company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in these rules or unless a longer retention period is required by another governmental body.

(2) **Retention schedule table.** The following schedule shows periods that companies must preserve various records.

| | Type of Record: | Retention Period: |
|---|---|---|
| 1. | **Corporate and General Records:** | |
| A. | Incorporation and reorganization records including: | |
| (a) | Charter or certificate of incorporation and amendments; | |
| (b) | Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions that affect the identity or organization of the company. . . . | Refer to Note 1 |
| B. | Minutes of directors, executive committees, stockholders and other corporate meetings. . . . | Refer to Note 1 |
| 2. | **Original certificate. . . .** | Until cancellation |
| 3. | **Contracts and agreements:** | |
| (a) | Service contracts (management, accounting, financial or legal services) . . . . | Until expiration or termination plus three years |
| (b) | Contracts with employees and employee groups. . . . | Until termination plus one year |
| (c) | General contracts, leases and agreements. . . . | Until termination plus one year |
| 4. | **Capital stock records. . . .** | Refer to Note 1 |
| 5. | **Long-term debt records:** | |
| (a) | Bond indentures, underwritings, mortgages, and other long-term credit agreements. . . . | Until redemption plus three years |
| (b) | Registered bonds and debenture ledgers. . . . | Refer to Note 1 |
| (c) | Stubs or similar records of bonds or other long-term debt issued. . . . | Refer to Note 1 |
| 6. | **Ledgers:** | |
| (a) | General and subsidiary ledgers and indexes. . . . | Until discontinuance of use plus three years |
| (b) | Balance sheets and trial balance sheets of general and subsidiary ledgers . . . . | Three years |
| 7. | **Journals:** | |
| (a) | General journals. . . . | Until discontinuance of use plus three years |
| (b) | Subsidiary journals and any supporting data necessary to explain journal entries . . . . | Three years |
| 8. | **Cash books:** | |
| (a) | General cash books. . . . | Until discontinuance of use plus three years |
| (b) | Subsidiary cash books . . . . | Three years |

Note 1: Records referring to this note should be maintained as determined by the designated company records supervisory official. In determining the length of time to retain these records, companies should consider the record retention requirements of the Internal Revenue Service, Securities and Exchange Commission, state and local jurisdictions, and other regulatory agencies.

(3) **Customer service records.** A company must maintain complete and accurate customer service records for all customers served.

(a) Customer service records must be kept on file in the general office of the company for at least three years.

(b) Customer service records must be kept in alphabetical, service address, or service route order.

(c) Customer service records must show at least the following information:

(i) The name and service address of the customer;

(ii) The billing address of the customer, if different than the service address;

(iii) Categories and quantity of service provided, including extra services as they are provided;

(iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;

(v) Amounts billed;

(vi) Amounts collected; and

(vii) Balance due.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-061, filed 3/23/01, effective 4/23/01.]

## PART 2—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

**WAC 480-70-066 Accounting requirements.** (1) The commission publishes a uniform system of accounts (USOA) for solid waste collection companies. The commission supplies copies of the USOA on request.

(a) The USOA defines accounting, financial, and other procedures the commission uses to determine if rates are fair, just, reasonable, and sufficient.

(b) The USOA contains accounting definitions, listings, and explanations of balance sheet and income statement accounts.

(2) The commission recommends companies maintain their financial and accounting records in concurrence with

the USOA. Regardless of what accounting system a company uses, the company must maintain its books and records in a manner sufficient to complete the commission-issued annual report form, using figures that reconcile with the USOA.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-066, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-071 Reporting requirements.** (1) **Annual reports.** An annual report is an end-of-the-year summary of financial and operational activity that each regulated company is required to file with the commission.

(a) Each year the commission provides an annual report form and instructions to each company at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual report. A company that does not receive an annual report form must contact the commission to request a copy of the form.

(b) A company must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at company offices.

(c) The commission may grant an extension of time allowing the company to file its annual report after the May 1 due date if the commission receives a request for extension before May 1.

(d) The commission may issue penalty assessments or take action to suspend or cancel a certificate if a company fails to file its required annual report.

(e) A company selling, canceling, transferring, or in some other manner discontinuing operations must submit an annual report for that portion of the year in which the company operated.

(2) **Other reports.** The commission may require a company to file periodic or other special reports.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-071, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-076 Regulatory fees.** A regulatory fee is an annual assessment paid by each company to cover the costs of regulating the solid waste industry.

(1) The maximum regulatory fee is set by statute at one percent of gross intrastate operating revenue. Each year, the commission may set the regulatory fee at an amount less than the statutory maximum. The minimum fee can be no less than one dollar.

(2) A company must pay its regulatory fee by April 1 of each year.

(3) The commission does not grant extensions for payment of regulatory fees.

(4) If a company does not pay its regulatory fee by April 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may issue penalty assessments, or take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-076, filed 3/23/01, effective 4/23/01.]

## PART 3—CERTIFICATES

**WAC 480-70-081 Certificates, general.** (1) **Certificate required.** A person must have a certificate of public convenience and necessity from the commission before operating as a solid waste collection company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name or a registered trade name. The term "operations" includes, but is not limited to: Collection, billing, advertising, and identifying vehicles.

(3) **Display.** A company must keep the original of its certificate on file at its main office subject to inspection by any customer, law enforcement officer, commission compliance officer, or other authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificated authority is described using boundaries such as streets, avenues, roads, highways, townships, ranges or other descriptions, those descriptions or boundaries are established in the certificate as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may institute administrative sanctions against a company operating outside its certificated authority. Refer to WAC 480-70-216 for information regarding administrative sanctions.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-081, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-086 Certificates, application fees.** (1) The purpose of application filing fees is to partially cover handling and processing expenses.

(2) The commission establishes the following fees for application filings:

| | |
|---|---|
| **Certificate applications,** including applications for new authority, extension of existing authority, transfer of authority, lease of authority, and reinstatement of canceled authority | $ 200 |

| | |
|---|---|
| **Temporary certificate applications,** including applications for new temporary authority, temporary authority to operate pending a commission decision on a concurrently filed certificate application, and applications for expedited temporary | $ 25 |
| **Name change applications,** including applications for change of corporate name, change of trade name, additional or new trade name, and change of surname of an individual owner or partner | $ 35 |
| **Mortgage applications,** including requests for permission to mortgage or otherwise encumber a certificate | $ 35 |

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-086, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-091 Certificates, applications.** (1) A company must submit its application for certificated authority on forms provided by the commission.

(2) Applications must include all requested information, attachments, signed statements, and filing fees.

(a) The commission may reject or defer consideration of an application until the applicant provides all required information;

(b) The commission may reject or defer consideration of an application until the applicant pays any outstanding fees or penalties; or

(c) The commission may reject or dismiss an application if it includes false, misleading, or incomplete information.

(3) A certificate application must include, but is not limited to:

(a) A complete description of the proposed service and the line, route, or service territory using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries, or other geographic descriptions;

(b) A map of the proposed line, route, or service territory that meets the standards described in WAC 480-70-056;

(c) If contract carrier authority is requested, a copy of each contract under which service will be performed;

(d) A statement of the applicant's assets and liabilities;

(e) A proposed tariff;

(f) A statement of conditions that justify the proposed service;

(g) An equipment list; and

(h) A statement of the applicant's transportation or solid waste industry experience, including knowledge of motor carrier driver and equipment safety requirements.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-091, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-096 Certificates, acquisition of control.** (1) **Notice required.** Any person acquiring control of a solid waste collection company through acquisition of the stock of that company must notify the commission in writing within thirty days of the acquisition.

(2) **Content of notice.** Notice may be accomplished by filing a letter with the commission. The letter must include at least the following information:

(a) The name, registered trade names, and certificate number of the acquired company.

(b) The date of acquisition.

(c) The names of the majority stockholders and the percent of stock each holds.

(d) The name, address, telephone number, telefacsimile number, and e-mail address of a contact person within the company to whom questions may be directed.

(e) The location (mailing address and physical address) where books and records of the acquired company will be retained.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-096, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-101 Certificates, initiating service.** Filing an application for certificated authority does not authorize the applicant to start solid waste collection operations in the territory, or of the commodity, described in the application. The commission must grant authority and issue a certificate before a company may begin service in that territory.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-101, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-106 Certificates, application docket, protests, and intervention.** (1) **Application docket.** The application docket is a notice of pending certificate applications published by the commission. The application docket is mailed to each existing certificate holder and to any other interested person. It includes notice of certificate applications for:

(a) New authority;

(b) Extension of existing authority;

(c) Transfer of authority;

(d) Lease of authority; and

(e) Reinstatement of authority when a city discontinues self-hauling or contracting for solid waste collection.

(2) **Protests.** A certificate holder may file a protest to an application on the docket. A solid waste collection organization, association, or conference may file a protest on behalf of existing certificate holders, specifying the names of the persons or companies in whose interest the protest is filed.

(a) **Form of protests.** Protests must:

(i) Be filed within thirty days of the date the commission mailed the application docket notice;

(ii) Be filed according to the provisions of WAC 480-09-420;

(iii) Specify the reasons for protest; and

(iv) Specify the protestant's interest in the proceeding.

(b) **Failure to file protest on time.** A person who is eligible to file a protest but fails to do so within the thirty-day protest period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application.

(3) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and

participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

(4) **Applications not subject to the docket and protest provisions of this rule.** This rule does not apply to:

(a) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-70-166, when those applications are filed within thirty days of the cancellation date;

(b) Applications for expedited temporary authority;

(c) Applications for temporary certificated authority;

(d) Applications for name change; or

(e) Applications to mortgage a certificate.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-106, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-111 Certificates, overlapping applications.** (1) The commission may consolidate applications for certificated authority for joint consideration if:

(a) The authority requested in the applications overlaps in whole or in part; and

(b) The subsequent application was filed within thirty days of the mailing date of the application docket notice of the original application.

(2) Applications for overlapping authority not filed within thirty days after the initial application docket notice will be decided after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(3) When applications consolidated by the commission for joint consideration also contain requests for territory or services not overlapping that requested in the other application, and the nonoverlapping services or territory may be appropriately severed, the commission may decide the nonoverlapping portions of the application separately from the portions that do overlap.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-111, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-116 Certificates, sale, lease, assignment, transfer or mortgage.** (1) A company must obtain commission approval before it may sell, assign, lease, transfer, or mortgage its certificate, or any portion of the operating authority described in its certificate.

(2) To obtain commission approval for sale, assignment, lease, transfer or mortgage, all parties to the transaction must file a joint application with the commission.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-116, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-121 Certificates, name change.** (1) A company must file a name change application to:

(a) Change its corporate name;

(b) Change its trade name;

(c) Add a trade name to a certificate; or

(d) Change the surname of an individual owner or partner to reflect a change resulting from marriage or other legal action.

(2) When filing a name change application, the applicant must include:

(a) The application fee required by WAC 480-70-086;

(b) Copies of any corporate minutes authorizing the name change; and

(c) Proof that the new name is properly registered with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) If a name change results from a change in ownership, including addition or deletion of a partner, the company must file an application to transfer the certificate pursuant to the provisions of WAC 480-70-116.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-121, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-126 Certificates, refiling of application prohibited for six months.** (1) A person whose application has been denied after hearing may not refile the application for a period of six months from the date of the final order denying the application.

(2) A person whose application has been dismissed for failure to appear at a hearing, or who has been found to be in default, may not refile the application for a period of six months from the date of the final order dismissing the application.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-126, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-131 Certificates, temporary.** (1) **Requirements.** Temporary certificate applications must meet the requirements of WAC 480-70-091.

(2) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission will consider factors including, but not limited to:

(a) The fitness of the applicant.

(b) The immediate or urgent need for the requested service due to circumstances such as, but not limited to:

(i) An emergency rendering it impossible for the existing company to provide service;

(ii) Commission action suspending or canceling the authority of the existing company; or

(iii) Lack of service.

(c) Whether the requested service is currently available from an existing company serving the territory; and

(d) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(3) **Shipper support statements required.** Applicants for temporary certificates must include signed and sworn support statements from one or more potential customers identifying all pertinent facts relating to need for the proposed service.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

(5) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate. For example, the commission may limit temporary authority to provide service to only those commercial customers whose support statements are submitted with an application.

(6) **Length of service allowed under temporary certificate.** The commission may issue a temporary certificate effective for a period:

(a) Of up to one hundred eighty days when the area or service territory is not contained in another company's certificate;

(b) Of up to one hundred twenty days when the area or service territory is contained in another company's certificate; or

(c) That continues until the commission grants, denies, or dismisses a parallel certificate application for permanent authority, or until the temporary certificate is otherwise canceled, whichever happens first. The permanent certificate application must be filed within thirty days of the temporary certificate application or within thirty days of the order granting the temporary certificate.

(7) **Docketing.** The commission will publish the following on its application docket:

(a) Temporary certificates granted, including any terms and conditions attached to the grant of such authorities; and

(b) A list of all applications for temporary certificated authority that the commission considered and denied.

(8) **Protests.** An existing company may file a protest opposing a temporary certificate, if the area or service territory granted is contained in the existing company's certificate. A solid waste collection organization, association, or conference may file a protest on behalf of existing companies, specifying the names of the individuals or companies in whose interests the protest is filed. Protests must:

(a) Be filed with the commission in writing within twenty days after the date the commission mails the application docket;

(b) Contain a statement of the specific grounds on which the protest is made;

(c) Contain a statement of the protestant's interest in the proceeding;

(d) Be served on the applicant; and

(e) Be served on the applicant's representative, if one is stated in the notice.

(9) **Disposition of protests.** The commission may grant or deny a protest without hearing.

(10) **Brief adjudicative proceedings.** The commission may order a brief adjudicative proceeding on its own motion or at the request of a party.

(11) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-131, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-136 Certificates, temporary, expedited application.** The commission may grant temporary authority using an expedited application process to meet an immediate or urgent need for service if it determines that doing so would be consistent with the public interest. Authority granted under these provisions is known as "expedited temporary authority" or an "ETA."

(1) **Determining public interest.** The commission will consider the following factors in determining whether granting expedited temporary authority is consistent with the public interest:

(a) A showing of an immediate or urgent need for the requested service due to circumstances such as, but not limited to:

(i) An emergency rendering it impossible for the existing company to provide service;

(ii) Commission action suspending or canceling the authority of the existing company; or

(iii) Lack of service.

(b) The presence or lack of available service capable of meeting the need; and

(c) Any other circumstances indicating that the grant of the expedited temporary authority is consistent with the public interest.

(2) **Restrictions and limitations on expedited temporary authority.**

(a) The commission may grant expedited temporary authority for periods of not more than thirty days.

(b) The commission may limit expedited temporary authority to providing service to the specific customer or customers supporting the application.

(c) The commission may further limit expedited temporary authority to service within a specific county, a specific city, a specific geographical area, a specific route, or a specific site.

(3) **Application for expedited temporary authority.** A company applying for expedited temporary authority must submit at least the following:

(a) An application on a form provided by the commission.

(b) Sworn statements from a customer or customers setting forth all pertinent facts relating to the need for service.

(c) Proof that the applicant holds insurance coverage in the amounts, and meeting the provisions, of WAC 480-70-181. Proof may consist of an insurance policy or a certificate of insurance.

(d) An application fee of twenty-five dollars.

(e) A statement that the company will comply with all applicable safety regulations including, but not limited to, those regulations relating to driver qualifications, hours of service, equipment safety, and drug and alcohol testing.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority,

the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-136, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-141 City service and cancellation of certificated authority.** (1) **City service.** To the extent solid waste collection service is provided within the limits of a city or town, it must be provided by:

(a) A solid waste collection company regulated by the commission operating under a commission-issued certificate authorizing such service; or

(b) A city or town that self-hauls or contracts for service, exempt from commission regulation under the exemption for cities in RCW 81.77.020.

(2) **City service—Cancellation of certificated authority and termination of commission regulation.**

(a) The commission will cancel the affected certificated authority and cease regulation in the affected area on the date that a city or town commences service as specified in its notice to the commission unless (b) of this subsection applies.

(b) If a city or town commences service before notifying the commission in writing, the commission will not cancel the affected certificated authority and cease regulation in the affected area until the date of receipt of the city's or town's written notice.

(3) **Company responsibilities.** When entering into a contract with a city or town to provide solid waste collection services, a regulated company must advise the commission within thirty days of the date of the agreement if the area to be served is contained in the company's certificated authority. Notice must include a cover letter, a copy of the executed agreement, and a map of the affected area. The map submitted must meet the standards defined in WAC 480-70-056.

(4) **Compensation for canceled certificated authority.** A company must notify the commission in writing within thirty days of a city or town purchasing or condemning all or a portion of its certificated authority. Notice must include a cover letter and a copy of the relevant document such as an ordinance, resolution, franchise, or contract.

(5) **City service discontinued.** When a city notifies the commission of its decision to discontinue providing solid waste collection service to the extent solid waste collection service is provided within the limits of a city or town:

(a) Except to the extent set forth in subsection (4) of this section, the previously canceled certificated authority will be reinstated, and a new or revised certificate will be issued to the previous certificate holder or its successor if the previous certificate holder, or its successor, petitions for reinstatement and:

(i) Prior certificated authority was canceled by city annexation or incorporation; or

(ii) Prior certificated authority was canceled by commencement of city service under RCW 80.77.020.

(b) The commission will consider all applications for new certificated authority if the previous certificated authority was purchased or condemned.

(c) The commission will consider applications for new certificated authority if no previous certificate holder exists.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-141, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-146 Contracts.** Contracts accompanying applications for contract certificated authority must be original or duplicate original contracts. They must be mutually binding on both the shipper and company, entered into in good faith, and include:

(1) The starting and ending dates of the agreement;

(2) The route or area in which service will be provided;

(3) The kind and minimum quantity of the commodities to be transported (the minimum quantity must be an amount sufficient to allow operation of the company's equipment at a profit);

(4) The rates agreed on by the parties;

(5) A description of the process for terminating the contract before the stated expiration date, that specifies that at least five days' notice must be given to the commission and to both parties before the termination process may be implemented; and

(6) A provision stating that the contract is subject to the authority of the commission to fix or amend just, fair, and reasonable classifications, rules, and minimum rates and charges for solid waste collection service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-146, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-151 Service agreements between companies.** (1) A company may enter into an agreement to allow another company to operate in its territory when the first company:

(a) Holds exclusive traditional authority for solid waste collection service in the territory to be served; and

(b) Lacks suitable equipment to adequately serve its customers, or is unable to provide service on a temporary basis due to situations such as, but not limited to, road closures, temporary weight limitations, or other temporary restrictions imposed by local jurisdictions.

(2) The commission must approve the agreement before any service is provided. To apply for commission approval, the companies must jointly file a copy of the written agreement at least fifteen days before the proposed effective date of the agreement. Companies may request the fifteen-day approval period be waived in the case of an emergency.

(3) The agreement filed with the commission must clearly state:

(a) The first company will bill customers for service provided by the second company at rates and charges contained in the first company's filed tariff.

(b) The first company will pay the second company for providing service in compliance with terms stated in the agreement.

(c) The beginning and ending dates of the agreement.

(d) A provision for early termination of the agreement that includes at least five days' notice to the commission and to each party.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-151, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-156 Contracts or service agreements with third-party waste brokers.** A company providing solid waste service under a contract or agreement with a third-party waste broker must comply with the laws of the state of Washington, commission rules and policies relating to solid waste collection and/or disposal, and the provisions contained in the company's filed, approved tariffs.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-156, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-161 Suspending certificates.** (1) **Cause for suspension.** The commission may suspend a certificate for cause. Cause includes, but is not limited to:

(a) Failure to maintain evidence of required liability insurance coverage for all areas of a company's operations;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to comply with the rates and rules contained in the company's filed tariff;

(d) Failure or refusal to comply with operating standards that protect the public health, safety or welfare;

(e) Allowing others to operate under a company's certificated authority without having first obtained commission approval; or

(f) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice.

(2) **Notice of suspension.** The commission will issue an order notifying the company of the commission's action to suspend a certificate. Suspension is effective on the date the commission mails the suspension order (service date).

(3) **Contest of suspension.** A company may contest the suspension of its certificate by requesting a hearing or brief adjudicative proceeding.

(4) **Suspension without opportunity for prior hearing.** The commission may suspend a certificate without providing an opportunity for prior hearing if there is imminent danger to the public health, safety, or welfare, and there is insufficient time to conduct a hearing. If the commission invokes this suspension clause, the commission will, as soon as is practical, schedule a hearing or brief adjudicative proceeding to determine if the suspension should continue in force and effect.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-161, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-166 Canceling certificates.** (1) **Cause for cancellation of a certificate.** The commission may cancel a certificate for cause. Cause includes, but is not limited to:

(a) Operating without proper insurance;

(b) Failure to file an annual report or pay required regulatory fees;

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

(d) Continued violations of applicable laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the company will not comply with those laws and rules following a specified period of suspension;

(e) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of solid waste collection companies;

(f) Failure to supply requested information needed by the commission in the performance of its regulatory functions;

(g) Submission of false, misleading or inaccurate information; or

(h) Allowing others to operate under a company's certificated authority without having first obtained commission approval.

(2) **Cancellation hearing.**

(a) The commission will normally hold a hearing prior to canceling a certificate, or will offer the company an opportunity for a hearing.

(b) No hearing will be held if an order of suspension issued by the commission stated a date by which a company must correct the causes that led to the suspension, and the company failed to take corrective action within the time frame shown in that order.

(3) **Notice of cancellation.** The commission will issue an order notifying the company of the commission's action to cancel a certificate. The cancellation is effective on the date the commission mails the cancellation order (service date).

(4) **Contest of cancellation.** A company may contest the cancellation of its certificate by requesting a hearing or brief adjudicative proceeding.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-166, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-171 Certificates, reinstatement.** (1) The commission may reinstate a certificate canceled for cause under provisions of WAC 480-70-166 if the company:

(a) Corrects all conditions leading to the cancellation; and

(b) Files a certificate application to reinstate authority with proper application fee within thirty days of the cancellation service date.

(2) The commission may reinstate a certificate, or any portion of the operating authority contained in a certificate, canceled by city annexation or incorporation under the conditions specified in WAC 480-70-141.

(3) The commission may reinstate a certificate suspended under the provisions of WAC 480-70-161 if the company satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-171, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-176 Certificates, discontinuance of operations.** (1) A company must not discontinue operations authorized under its certificate without prior approval from the commission.

(2) A company requesting commission approval to discontinue operations must give at least ten days' written notice

to its customers, officials of cities and counties where affected customers reside, and the commission.

(3) A request for approval to discontinue operations must contain at least the following:

(a) The name, telephone number, mailing address, telefacsimile number (if any) and e-mail address (if any) of a contact person;

(b) An explanation of the company's reasons for requesting approval to discontinue operations;

(c) A statement of the number of customers, by class of service provided, who will lose service if the commission grants the requested approval to discontinue operations; and

(d) An explanation of options available to the customers who will lose service. For example: Names of landfills and/or transfer stations to which the customer may self-haul or the names of companies with overlapping certificates.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-176, filed 3/23/01, effective 4/23/01.]

## PART 4—INSURANCE

**WAC 480-70-181 Public liability and property damage insurance.** (1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

(a) The insurance policy must be written by an insurance company authorized to write insurance in the state of Washington.

(b) The insurance policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (Form F).

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-70-161 and WAC 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

| Vehicles that: | Must have bodily injury and property damage insurance or bond with the following minimum limits: |
|---|---|
| Have Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds | $300,000 combined single limit coverage |
| Have GVWR 10,000 pounds or more | $750,000 combined single limit coverage |
| Transport quantities of biomedical waste not subject to federal regulation | $1,000,000 combined single limit coverage |
| Transport quantities of hazardous or biomedical waste that are subject to federal regulation | The federal minimum combined single limit coverage |

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than thirty days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to sixty days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least ten days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

(i) The commission as the named insurance certificate holder;

(ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The insurance policy effective and expiration dates; and

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-181, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-186 Insurance cancellation.** If a company's insurance filing is canceled, and a new filing that provides continuous coverage is not filed before the cancellation effective date, the commission may:

(1) Dismiss a company's application for a certificate;

(2) Suspend a company's certificate under the provisions of WAC 480-70-161;

(3) Cancel a company's certificate under the provisions of WAC 480-70-166.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-186, filed 3/23/01, effective 4/23/01.]

## PART 5—EQUIPMENT AND DRIVERS

**WAC 480-70-191 Vehicle licensing.** A company must ensure that each vehicle it operates is in compliance with all appropriate state vehicle licensing laws, commission rules, and commission orders.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-191, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-196 Commercial vehicle defined.** For the purposes of the rules in Part 5—Equipment and Drivers, "commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway when the vehicle:

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of ten thousand and one pounds or more, whichever is greater; or

(2) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-196, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-201 Vehicle and driver safety requirements.** (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR) shown in the following chart, that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

| 49 CFR Part Adopted: | | Portions Not Adopted: | |
|---|---|---|---|
| Part 382 - | Controlled Substance and Alcohol Use and Testing | n/a | |
| Part 383 - | Commercial Driver's License Standards; Requirements and Penalties | n/a | |
| Part 390 - | Safety Regulations, General | (1) | The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle). |
| | | (2) | Whenever the term "director" is used in Title 49 CFR, it shall mean the commission. |
| Part 391 - | Qualification of Drivers | (1) | A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven. |
| | | (2) | A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.11(b)(1) (general qualifications – age). A driver operating exclusively within the state of Washington may drive a motor vehicle if he or she is at least eighteen years of age. |
| Part 392 - | Driving of Motor Vehicles | n/a | |
| Part 393 - | Parts and Accessories Necessary for Safe Operation | n/a | |
| Part 395 - | Hours of Service of Drivers | n/a | |
| Part 396 - | Inspection, Repair, and Maintenance | n/a | |
| Part 397 - | Transportation of Hazardous Materials, Driving and Parking Rules | n/a | |

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition;

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and

(c) Make vehicles available for inspection by commission representatives.

(3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle placed out-of-service until after proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-201, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-206 Motor vehicle identification.** A company must ensure that all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-206, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-211 Leasing vehicles.** (1) A company operating a leased vehicle must have a written lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A copy of the lease is carried in each leased vehicle;

(b) A copy of the lease is kept in the company's files during the effective period of the lease and for at least one year after the lease expires;

(c) A copy of the lease is provided to the owner of the leased vehicle;

(d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;

(f) The leased vehicle is properly identified as specified in WAC 480-70-206;

(g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and

(h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

(a) The driver of the leased motor vehicle is on the company's payroll during the lease period;

(b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;

(c) The driver is subject to the company's alcohol and controlled substance policies; and

(d) The company maintains appropriate files and paperwork on the driver for a period of at least one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form, the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

**EQUIPMENT LEASE**

A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease.

| | | |
|---|---|---|
| Name and address of company leasing vehicle (lessee): | | G certificate number: |
| Name and address of party from whom the vehicle is being leased (lessor): | | G certificate number, if any: |
| Vehicle make and year: | Vehicle Serial Number: | Vehicle License Number: |

The lease will become effective at . . . . . (time) on . . . . . (date), and will continue until . . . . . (date) unless canceled in writing before that date.

Compensation that will be paid to owner of vehicle (lessor): $. . . . . per . . . . . .

If lease also includes driver, compensation for driver: $ . . . . . per . . . . . .

**Lessee/Lessor Expense Agreement**

Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.

| Item | Lessee | Lessor | Item | Lessee | Lessor |
|---|---|---|---|---|---|
| Vehicle Licensing Fees | | | Equipment Rental Taxes | | |
| Toll and Ferry Charges | | | Fuel and Oil | | |
| Vehicle Loan Payments | | | Vehicle Maintenance | | |
| Parts & Tires | | | Major Vehicle Repairs | | |
| Insurance, Comprehensive | | | Minor Vehicle Repairs | | |
| Insurance, Theft | | | Other (explain): | | |
| Insurance, Fire | | | Other (explain): | | |

Under the terms of this lease, the lessee must:

- Have complete possession, control and use of the vehicle during the lease period;
- Be in complete control of all operations;
- Provide liability and property damage insurance;
- Ensure that the driver of the leased vehicle is an employee of the lessee;
- Ensure that the vehicle is properly identified;
- Comply with all safety regulations; and
- Bill and collect proper tariff rates and charges.

| |
|---|
| The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules. |
| Lessee Signature/Title. . . . . date signed. . . . . |
| Lessor Signature/Title. . . . . date signed. . . . . |

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-211, filed 3/23/01, effective 4/23/01.]

## PART 6—COMPLIANCE

**WAC 480-70-216 Commission compliance policy.** (1) The commission is authorized to administer and enforce laws and rules relating to solid waste collection companies. The commission delegates authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission also delegates to its staff authority to arrest without warrant or to issue citations to any person found violating this chapter in the presence of its staff.

(2) The commission encourages voluntary compliance with statutes, rules, and commission orders.

(3) The commission will enforce statutes, rules, and commission orders through:

(a) A program emphasizing education and technical assistance.

(b) A compliance program including:

(i) Investigation and resolution of complaints;

(ii) Safety compliance reviews of drivers and equipment;

(iii) Economic compliance audits including, but not limited to, rates, charges, and billing practices;

(iv) Coordinated roadside enforcement; and

(v) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(4) Where necessary to ensure compliance with statutes, rules, and commission orders, the commission will pursue:

(a) Administrative actions that the commission believes will best ensure future compliance by the violating company, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter 81.04 RCW;

(b) Suspension or cancellation of a company's certificate:

(i) When the commission believes education and penalties have not been, or will not be, effective to secure compliance;

(ii) For willful violations of legal requirements; or

(iii) For serious actions including, but not limited to, misrepresentation;

(c) Enforcement action against violators based on information collected by commission staff; or

(d) Proceedings in district and superior court.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-216, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-221 Sanctions for operating without a valid certificate.** (1) **Operations without a certificate.**

(a) A company that operates as a solid waste collection company without a certificate from the commission is subject to citation if observed or contacted by a representative of the commission or other law enforcement agency.

(b) If the commission receives information that a solid waste collection company is operating without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the solid waste collection company and provide education and technical assistance concerning applicable regulations. This includes supplying the company with a copy of the applicable laws, rules, and certificate application forms.

(c) If the solid waste collection company continues to operate without a certificate after commission education and technical assistance is offered, the commission may institute an administrative proceeding to classify the company pursuant to RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as a solid waste collection company operating without the required certificate, the commission will issue a cease and desist order pursuant to RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

(2) **Operating while certificate is suspended.** A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

(3) **Operating after certificate is canceled.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-221, filed 3/23/01, effective 4/23/01.]

## PART 7—TARIFFS, RATES, AND RATE FILINGS

**WAC 480-70-226 Tariffs, definitions used in.** (See WAC 480-70-041 for definition of general solid waste terms.) Unless the language or context indicates that a differ-

ent meaning is intended, the following words, terms and phrases have the following meanings:

**"Bale"** means material compressed by machine and securely tarped or banded.

**"Bulky materials"** means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.

**"Commercial billing"** means solid waste collection service:

Billed to a commercial customer; or

Billed to, and paid for, by a property manager or owner rather than a residential tenant.

**"Compacted material"** means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

**"Loose material"** means material not set out in bags or receptacles, including materials which must be shoveled.

**"Pass-through fee"** means a fee collected by a solid waste collection company on behalf of a third party when the fee is billed directly to the customer without markup or markdown.

**"Permanent service"** means container and drop-box service provided at the customer's request for a period of more than ninety days.

**"Rate"** means a price per unit or per service. A rate is multiplied times the number of units transported or the number of times a service is performed to determine a charge.

**"Rate design"** and **"rate structure"** mean the relationship between rates charged for different solid waste service options offered to customers within the same class (residential, commercial or drop box). Neither of the terms includes setting specific rates for specific services.

**"Residential billing"** means solid waste collection service billed to and paid for by the resident.

**"Solid waste receptacle"** includes the following items, with the following meanings:

- **"Automated cart"** means a cart designed to be picked up and emptied by mechanical means. The specific type and size are to be defined in rate items.
- **"Can"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material that is watertight, and has a close-fitting cover and two handles. A can holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled can will be established in each company's tariff.
- **"Cart"** means a wheeled plastic container. A cart may also be referred to as a toter. If supplied by a customer, a cart must be compatible with the collector's equipment. The size and type of cart that is compatible will be established in each company's tariff.
- **"Container"** means a detachable receptacle (normally designed to hold at least a cubic yard of solid waste) from which materials are collected by mechanically lifting the receptacle and emptying the contents into the company's vehicle.
- **"Drop box"** means a detachable receptacle used to provide solid waste collection service by the receptacle being placed on the collector's vehicle by mechanical means and transported to a disposal site.
- **"Drum"** means a metal or plastic container of approximately fifty-gallon capacity, generally used for oils or solvents. The maximum weight allowed in a drum will be established in each company's tariff.
- **"Litter receptacle"** means a container not over sixty-gallon capacity, generally placed in shopping centers and along streets or highways for litter. The maximum weight allowed in a litter receptacle will be established in each company's tariff.
- **"Micro-mini can"** means a can made of durable, corrosion-resistant, nonabsorbent material that is watertight and has a close-fitting cover. A micro-mini can may not hold more than ten gallons. The maximum weight allowed in a micro-mini can will be established in each company's tariff.
- **"Mini can"** means a can made of durable, corrosion resistant, nonabsorbent material that is watertight and has a close-fitting cover. A mini can may not hold more than twenty gallons. The maximum weight allowed in a mini can will be established in each company's tariff.
- **"Recycling bin or container"** means a bin or container designed or designated for the collection of recyclables. The size and type of recycling bin or container will be established in each company's tariff.
- **"Toter"** means a wheeled plastic container. A toter may also be referred to as a cart. If supplied by customer, a toter must be compatible with the collector's equipment. The size and type of toter that is compatible will be established in each company's tariff.
- **"Unit"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material, that is watertight, and has a close-fitting cover and two handles. A unit holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled unit will be established in each company's tariff.

Where agreed on between the company and the customer, and where allowable under local ordinance, a box, carton, cardboard barrel or other suitable container may be substituted for a solid waste can, for a single pick-up that includes removal of the container, if it meets the size and weight limits established in the carrier's tariff.

- **"Yardwaste bin or container"** means a bin or container specifically designed or designated for the collection of yardwaste. Each carrier's tariff will refer to a specific type of yardwaste bin or container to be used by customers in a service area. The type, size, weight, etc., of this type of bin or container will often be set by local government plans or ordinances.

**"Special pick-up"** means a pick-up requested by the customer at a time other than the regularly scheduled pick-up time, but which does not involve the special dispatch of a truck. If a special dispatch is required, the company will assess time rates established in the company's tariff.

**"Temporary service"** means providing container or drop-box service at the customer's request, for a period of ninety days or less.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-226, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-231 Tariffs, general.** (1) **Solid waste tariffs no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, solid waste collection companies are not subject to the provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). They are instead subject to the requirements of this chapter.

(2) **Additional regulatory requirements.** Companies are also subject to additional rules regarding rate filings contained in chapter 480-09 WAC, including, but not limited to:

(a) WAC 480-09-015 - Submission of "confidential" information;

(b) WAC 480-09-101 - When communications are received;

(c) WAC 480-09-120 - Filing and service by telefacsimile; and

(d) WAC 480-09-300 through 480-09-335 - Filing requirements.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-231, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-236 Tariffs, all companies must file tariffs and must comply with the provisions of approved tariffs.** (1) No company may provide solid waste collection service until it files, and the commission approves, a tariff.

(2) No company may assess rates and charges for solid waste collection service that are higher, lower, or different from those contained in its approved tariff.

(3) No company may accept a payment for service provided that is higher, lower, or different from the rates and charges contained in its approved tariff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-236, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-241 Tariffs, content.** A company must file with the commission a tariff showing all rates and charges it will charge its customers, together with rules that govern how rates and charges will be assessed. The tariff must contain, but is not limited to:

(1) A title page;

(2) A rules section;

(3) A rates section; and

(4) A map.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-241, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-246 Tariffs, posting.** (1) A company must maintain a copy of its current approved tariff in its offices.

(2) The tariff maintained in company offices must be available for inspection on request by customers.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-246, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-251 Tariffs, rates and charges, general.** (1) Rates and charges must cover a complete service, including disposal, unless a separate charge for disposal is specifically named in the tariff.

(2) Rates and charges must be stated by unit and billing method. For example: Dollars and cents per can, per trip, per hour, per service, per week, per month, or other.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-251, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-256 Tariffs, rejection.** The commission will reject tariffs that:

(1) Do not contain all required information, including, but not limited to, that required by WAC 480-09-300 through 480-09-335;

(2) Do not comply with format rules;

(3) Are not accompanied by required maps;

(4) Reflect retroactive rate treatment;

(5) Are not filed in accordance with the notice requirements shown in WAC 480-70-261 through 480-70-276; or

(6) Contain provisions that conflict with state statutes or commission rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-256, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-261 Tariffs requiring one-day notice to the commission.** The commission may approve on one-day notice:

(1) Initial tariff filings that accompany applications for certificated authority;

(2) Tariff adoptions filed under the provisions of WAC 480-70-321; and

(3) Tariff filings whose only purpose is to add a new service option or a service level which has not been previously included in the company's tariff, if that service option or service level is requested by a customer.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-261, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-262 Tariffs requiring seven-day notice to the commission.** A company must provide at least seven calendar-days' notice to the commission on filings whose only purpose is:

(1) To implement decreases in rates or charges; or

(2) To add a new service option or service level that has not been previously included in the company's tariff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-262, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-266 Tariffs requiring forty-five-day notice to the commission.** A company must provide at least forty-five calendar-days' notice to the commission on any filing that will result in an increase in rates or charges to customers.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-266, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-271 Customer notice requirements.** A company must provide notice to its customers at least once, either before (see subsection (1) of this section) or after (see subsection (2) of this section) final commission action, depending on the type of filing.

(1) **Customer notice before commission action.**

(a) **Thirty days' customer notice requirement.** A company must provide each affected customer a notice at least thirty days before the requested effective date when a company proposes to (see exceptions in subsection (2) of this section):

(i) Increase recurring monthly rates;

(ii) File a general rate case;

(iii) Institute a charge for a service that was formerly provided without charge; or

(iv) Restrict access to services (e.g., discontinue a service or limit access to service by imposing a new usage level on existing services).

(b) **Who must receive a notice.** A company must provide a customer notice to:

(i) Each customer that will be affected by the company's proposal;

(ii) County commissioners or council members in all counties where affected customers reside;

(iii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and

(iv) The commission's designee for public affairs.

(c) **Content of notice.** The customer notice must contain, at a minimum:

(i) The date the notice is issued;

(ii) The company's name and address;

(iii) A clear explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, or increased office expenses, such as, postage, and customer billing);

(iv) For services the company proposes to change, a comparison of current and proposed rates that, at a minimum, must include:

(A) The minimum volume of service offered (e.g., mini can service);

(B) The four most used services, or if fewer than four services are offered in the customer class, all services (e.g., one-can, two-can, etc.);

(C) How often the rates will be billed (for example, monthly, bimonthly or quarterly);

(D) Separately stated rates for recycling service, yard-waste service, and solid waste service, if applicable;

(E) If a service is not listed in the notice, but the rates are affected, the company must list a range of percentage increases (e.g., five to ten percent increase), and explain how a customer can get more information, if needed, by listing a toll-free telephone number;

(v) The requested effective date and, if different, the implementation date;

(vi) An explanation that the commission has authority to set final rates that may vary from the company's request, depending on the results of the commission's investigation;

(vii) A description of how customers may contact the company toll-free if they have questions or need additional information about the proposal; and

(viii) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(A) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. Comments may be submitted in writing or presented at the commission's open public meeting. If you have questions, or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; comments@wutc.wa.gov; or 360-664-3604(telefacsimile).

(B) Company-developed language must provide:

- A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail (comments@wutc.wa.gov) or telefacsimile; and
- How to contact the commission for information about the process or notification of the scheduled open meeting date, providing the commission's mailing address, and toll-free telephone number (1-800-562-6150).

(d) **Notice methods permitted.**

(i) Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(ii) A company may use separate customer notices for its residential customers and commercial customers as long as each affected customer receives notice.

(2) **Customer notice after final commission action.**

(a) **Notice required.** Each affected customer must receive notice on or with the first bill after the final commission decision when a company increases rates for:

(i) Nonrecurring charges (e.g., late payment fees, NSF fees, one-time charge, etc.);

(ii) Local taxes;

(iii) Disposal fee increases;

(iv) Fuel surcharges;

(v) Credits or refunds; and

(vi) Commodity credits and charges.

(b) **Who must receive notice.** In addition to each affected customer, a company must provide notice to:

(i) County commissioners or council members in all counties where affected customers reside;

(ii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and

(iii) The commission's designee for public affairs.

(c) **Content of the notice.** At a minimum, the notice provided after final commission action must include:

(i) The effective date;

(ii) A clear description of changes to rates and services; and

(iii) A toll-free company contact number where customers may seek additional information.

(d) **Methods of notice permitted.** Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(3) **Commission assistance on the customer notice.** The commission's public affairs section is available to:

(a) Assist companies with customer notice questions;

(b) Review draft customer notice language; and

(c) Offer suggestions on draft customer notice language. If a company would like assistance, the company must submit the notice for review at least two working days before the planned notice printing date.

(4) **Other customer notice.** The commission may require additional notification to customers other than described in this rule when the commission is holding a public hearing in a contested case, or when the effect of a company's proposal may have a significant impact on:

(a) Customer rates;

(b) Access to services; or

(c) When the commission determines that additional customer education is needed.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-271, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-276 Tariffs, less than statutory notice handling.** The commission may allow tariff filings to become effective with less notice than is shown in WAC 480-70-262 and 480-70-271 when there is an emergency or when merit is shown. This process is known as "less than statutory notice" (LSN) handling. A company filing for LSN handling may use an LSN form supplied by the commission, or a letter containing at least the following information:

(1) Company identification information:

(a) Name and registered trade name;

(b) Certificate number;

(c) Address;

(d) Telephone number, e-mail address, and telefacsimile number; and

(e) Name and telephone number of a person to contact regarding the filing;

(2) Tariff identification information:

(a) Number of the tariff being amended;

(b) Identifying number and title of the tariff item(s) being amended; and

(c) Number of the tariff page being amended;

(3) Concise description of the provisions being proposed;

(4) Reason(s) for requesting LSN handling; and

(5) Effective date requested.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-276, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-281 Tariffs, format and size requirements.** A company must file tariffs meeting the following criteria:

(1) Tariffs must be on forms available from the commission or on comparable forms approved by the commission.

(a) Tariffs submitted on forms other than those obtained from the commission must conform to the commission-prescribed item numbering format. For example:

| Subject the item addresses | Must be in tariff item number: |
|---|---|
| Definition of terms | Item 20 |
| Residential rates | Item 100 |
| Disposal site rates | Item 230 |

(b) A complete list of item numbers is shown in the commission's tariff form.

(2) Tariffs must be filed in loose-leaf format.

(3) Tariffs must be typed or mechanically printed (not handwritten) using at least ten-point type.

(4) Tariffs must be printed on eight and one-half inch by eleven inch paper, with margins of at least one-half inch on each side.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-281, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-286 Tariffs, changes must be identified.** Each change in rates, charges, or rules must be clearly identified by using one of the following methods:

(1) By printing the appropriate code symbol immediately to the left of the material being changed. Approved symbols are:

| Code Symbol | used to indicate: |
|---|---|
| (R) | reductions in rates or charges |
| (A) | increases in rates or charges |
| (C) | changes resulting in neither increases nor decreases |
| (N) | new rates, services or rules |

(2) By printing a notice in distinctive type at the location defined in the following table:

| If the changes affect: | The notation must state: | The notation must be printed: |
|---|---|---|
| All rates and charges on a tariff page or on a tariff supplement page. | All rates and charges on this page are . . . . . (Company would state in the blank the nature of the changes, using one of following terms:<br>•Increases<br>•Decreases; or<br>•Wording changes resulting in neither increases nor decreases.) | In the top margin of the page. |
| All rates and charges in a tariff. | All rates and charges on this page are . . . . . (Company would state in the blank the nature of the changes, using one of following terms: | In the top margin of each page. |

| If the changes affect: | The notation must state: | The notation must be printed: |
|---|---|---|
| | •Increases<br>•Decreases; or<br>•Wording changes resulting in neither increases nor decreases.) | |

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-286, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-291 Tariffs, title pages.** The title page of every tariff must show at least the following:

(1) The certificate name of the company, its certificate number, and all trade names filed with the commission that the tariff applies to;

(2) An identifying tariff number;

(3) The number of any tariff being canceled by the tariff to which the title page applies (canceling a tariff also cancels all supplements applying to that tariff);

(4) The types of services covered by the tariff;

(5) A clear description of the territory in which the tariff applies;

(6) The date the tariff is issued and date it becomes effective;

(7) The name, title, telephone number, telefacsimile number (if any), and mailing address of the person who files the tariff; and

(8) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

Illustration of tariff title page:

Original Title Page

Tariff No. 2

Cancels

Tariff No. 1

of

John Doe's Sanitation Company, Inc.
d/b/a
John's Garbage and Recycle

Certificate No. 1999

Naming rates for the transportation and disposal of solid waste and, if noted, recycling and yardwaste collection.

In the following described territory:

Any County

Issued by:

John Jones, President
1234 East Easy Street

For official use only

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-291, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-296 Tariffs, page format.** All pages in a tariff, except the title page, must include the following:

(1) A page header that includes:

(a) The identifying number of the tariff;

(b) A page number;

(c) A revision number;

(d) The name of the company filing the tariff; and

(e) Any applicable registered trade name.

(2) A page footer that includes:

(a) The name of the person filing the tariff;

(b) The date the page is issued;

(c) The date the page becomes effective; and

(d) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

Illustration of tariff page:

| | |
|---|---|
| Tariff No. 2<br>Company Name: John Doe's Sanitation Co., Inc.<br>d/b/a John's Garbage and Recycle | 2nd Revised Page 18 |
| | |
| Issued by: John Jones, President<br>Issue Date:. . . . . | Effective Date:. . . . . |
| (For Official Use Only) | |

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-296, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-301 Tariffs, maps.** A company must file a map with its tariff that clearly identifies the company's entire certificated authority area. If a company divides its authorized certificate area into tariff service territories, then the company must also file a map showing each of the tariff service territory divisions. The maps must meet the specifications in WAC 480-70-056.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-301, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-306 Tariffs, rules.** (1) Tariff rules must be stated in clear language.

(2) A rule that applies to only a specific rate or charge must be included in the same tariff item as the applicable rate or charge.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-306, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-311 Tariffs, changes.** Companies may change filed tariffs by one of two methods:

(1) Issuing revised pages to the tariff. A revised page must have the same page number as the page it cancels. For example: "1st revised page 1" cancels "Original page 1."

(2) Issuing complete new tariffs. Each of the pages in a new tariff must be identified as an original page. For example: "Original Page 1," "Original Page 2," and so on.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-311, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-316 Tariffs, supplements.** (1) Companies may issue tariff supplements to reflect situations such as gas price fluctuations, city or county taxes, or county surcharges imposed under the provisions of RCW 36.58.045.

(2) Companies may not issue tariff supplements to make general rate increases.

(3) Supplements are subject to all applicable rules and procedures including transmittal letters, notice to customers and the commission, and proper tariff format. The commission will provide sample tariff supplement forms on request.

(4) Supplements to a tariff must be numbered consecutively. If a newly filed supplement cancels a previous supplement(s), that information must be clearly shown on the new

supplement. For example: "Supplement 6 cancels Supplements 4 and 5."

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-316, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-321 Tariffs, filings after name change or change in ownership.** (1) When a company changes the name on its certificate it must file a tariff in the new name of the company or adopt the existing filed tariff.

(2) When a company leases, transfers, or acquires a portion of the certificated authority of another company, it must file a new tariff reflecting the same rates as the prior company.

(3) When a company obtains operating control of another company, it must file a new tariff at the same rate levels as the prior company or adopt the existing filed tariff of the prior company.

(4) A company filing a tariff to comply with subsections (1), (2), and (3) of this section cannot raise rates in that filing. A separate rate increase filing must be made.

(5) To adopt existing filed tariffs, the company must file with the commission an adoption-of-tariff form, that must read as follows:

Illustration of adoption form:

Tariff No.. . . . . .

. . . . . adopts,
(Name of new company and registered trade name of new company)

all tariffs and supplements to the tariffs, filed with the Washington Utilities and Transportation Commission by

. . . . . .
(Insert here name of prior company)

before the date of its (new company) acquired possession of that (prior) company.

ISSUED BY:

. . . . . .
(Printed name and title of person filing adoption notice)

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-321, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-326 Tariffs, filing procedures.** (1) **Method of filing.** A company may submit tariff filings to the commission in person, by mail, or by telefacsimile. If a company files by telefacsimile, a hard copy must be mailed on the same day as the telefacsimile transmission.

(2) **Transmittal letter.** A company must file two copies of a transmittal letter with each tariff filing submitted to the commission. The commission will stamp one copy of the letter and return it to the company as acknowledgment that the filing was received.

(a) The transmittal letter must include at least the following:

(i) The name, certificate number, and trade names of the company;

(ii) A description of each proposed change and a brief statement of the reason for each change;

(iii) The dollar and percentage amounts that revenue will change if the filing is approved by the commission;

(iv) The percentage amount that rates will change if approved by the commission;

(v) A contact person's name, mailing address, telephone number, telefacsimile number (if any), and e-mail address (if any); and

(vi) A statement that the company mailed a copy of the transmittal letter to the chair of the county commission or county council of each county affected by the filing.

(b) The transmittal letter accompanying a filing that increases rates or charges must also include the date customer notice was, or will be, mailed or delivered to all affected customers.

(3) **Additional documents required.**

(a) **Filing due to governmental, or other entity, action.** If the tariff filing results from action of another entity or governmental body, the company must file documentation of that action. For example: Ordinances, resolutions, and disposal site fee increase or decrease notices.

(b) **Tariff filed by agent.** If the tariff filing is made by a person other than an owner, partner, or corporate officer, the company must include with its tariff filing a statement granting authority for that person to file on behalf of the company. The statement must be signed by an owner, partner, or corporate officer, and may be incorporated into the transmittal letter accompanying the filing.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-326, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-331 Tariffs, approval.** Receipt by the commission of a tariff filing does not mean that the provisions of the filing are approved. Companies may not implement provisions contained in tariff filings until the commission approves the filing or until the provisions become effective by operation of law.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-331, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-336 Tariffs, free and reduced rates.** (1) A company wishing to provide service at free and reduced rates under the provisions of RCW 81.28.080, must first publish those rates in its filed tariff.

(2) A company may publish free and reduced rates for collection services provided:

(a) To the United States, state, county, and municipal governments or municipal corporations;

(b) For charitable purposes; or

(c) To specific customer classes, as approved by the commission.

(3) If a company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) The name of the customer or a detailed description of a customer class;

(b) The service provided; and

(c) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "$0.00" or "no charge."

(4) The company's owners or stockholders are responsible for the revenue not collected by providing service at free or reduced rates. Ratepayers will not subsidize the revenue a company donates by providing service at free and reduced rates.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-336, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-339 Tariffs, suspension by the commission.** (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-339, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-341 Pass-through disposal fees.** (1) A company must charge its customers the disposal fees contained in the company's lawfully filed tariffs applicable to the disposal site actually used for disposal, and not those of any other site.

(2) A company must not charge its drop-box customers disposal fees that exceed the actual cost to the company.

(3) A company must track fees charged at any disposal sites used and change its filed tariff as necessary to accurately reflect those fees.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-341, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-346 Rates, general rate increases and fuel cost update.** A company filing a rate change based on changes in general operating expenses must update the test period fuel costs using actual fuel costs for the most recent twelve-month period.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-346, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-351 Rates, recycling programs, credits, or charges.** (1) **Programs to encourage recycling.** The commission encourages solid waste collection companies to develop programs intended to increase recycling. The commission will, among other things, consider whether a proposed program:

(a) Provides an incentive to the party who controls the actions or behaviors that the program intends to change;

(b) Defines measurable outcomes reasonably attributable to the proposed program; and

(c) May have any unintended results or consequences.

(2) **Recycling credits or charges.** Companies that estimate the revenue from the sale of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers must use the most recent twelve-month historical period to estimate the revenue for the next twelve months.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-351, filed 3/23/01, effective 4/23/01.]

## PART 8—CONSUMER RULES

**WAC 480-70-361 Availability of information.** (1) **Company information.** A company that provides traditional solid waste service must maintain a business office and must, at least once a year, notify its customers of its:

(a) Regular business hours. Regular business hours must include at least four hours each day between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays;

(b) Toll-free business telephone number; and

(c) Mailing address.

(2) **Messaging.** A company must have voice mail, an answering machine, or answering service to receive calls when company personnel are unavailable.

(3) **Responding to customer inquiries.**

(a) A company must respond to urgent messages within twenty-four hours and to all others within forty-eight hours, excluding weekends and holidays.

(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.

(4) **Notice of change in address or phone number.** A company must advise current customers of any change in its address or telephone number at least ten days before the effective date.

(5) **Notice of change in pick-up date.** When a company changes the pick-up date for its certificate area, or a portion of its certificate area, the company must notify all customers in the affected area of that change. Notice may be made via mail, personal contact, or by a notice being affixed to the customer's solid waste can at least seven days before implementation of the new pick-up schedule.

(6) **Consumer brochure.** A company must provide a copy of the commission's consumer brochure to each new applicant for service, and must once a year notify its current customers of the availability of the brochure and how to obtain a copy. A company may copy the commission's brochure and may add appropriate company-specific information.

(7) **Program information.**

The commission requires that each new applicant for service, and, at least once a year the company's current customers, must receive a list, brochure, newsletter or similar document that describes available solid waste and recycling services:

(a) **Material requirements defined.** Materials may be provided by local government solid waste divisions or solid waste coordinators directly to the public, or to the solid waste companies for delivery. This information may include reference to available local commercial recycling service options, service levels, and to methods for reducing solid waste. If such materials are not available, or if they do not include the information described in (a)(i) and (ii) of this subsection, companies must provide materials. Materials prepared by a company must describe:

(i) All service options and service levels available to the customer through the company; and

(ii) Company methods and programs available to recycle and reduce solid waste. This information may contain reference to nonregulated commercial recycling services also provided by the certificated company.

(b) **Delivery options defined.**

(i) If local government solid waste divisions or solid waste coordinators provide materials to the company, the company must distribute those materials to the company's customers.

(ii) If local government solid waste divisions or solid waste coordinators do not provide information to the company, the company's obligations under the provisions of (a) of this subsection may be satisfied if the local government solid waste divisions or solid waste coordinators distribute the information as part of the local government's solid waste, recycling, and waste reduction educational activities.

(iii) If required materials are not distributed by solid waste divisions or solid waste coordinators as part of educational activities or the solid waste divisions or solid waste coordinators do not provide the information to the companies for distribution, the company must provide the materials described in (a) of this subsection.

(8) **Information that must be available for review in company office.** A company must make the following items available to customers for review at all times the company's business office is open. The company must notify its customers, either in its consumer brochure, a newsletter, or similar document that the items are available for customer review and state the location at which they are available for that review.

(a) The commission's solid waste rules, chapter 480-70 WAC;

(b) The company's current rates and regulations (tariff);

(c) The company's current certificate;

(d) The commission's consumer brochure; and

(e) A map of the company's service territory.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-361, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-366 Refusal of service.** (1) A company must not refuse service to an applicant or cancel service to a customer when there are unpaid bills from a prior customer at the same premises unless the company has objective evidence that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A company may refuse service to an applicant or cancel service to a customer when:

(a) The customer has not complied with state, county, or municipal regulations concerning the service.

(b) In the company's judgment, providing the service would be hazardous, unsafe, or dangerous to persons or property.

(c) In the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions.

(d) The customer has an overdue bill from the company for the same class of service at the same or a different location, and satisfactory arrangements for payment of the overdue unpaid bill have not been made. For purposes of this rule, class of service means residential service or commercial service.

(e) The customer requests service at a location where there currently resides a former customer who has an overdue bill from the company for the same class of service at the same location, and satisfactory arrangements for payment of the overdue bill have not been made.

(f) The customer has obtained or retained service from the company by dishonest or fraudulent means, for the purpose of avoiding debts, including, but not limited to:

(i) False statement of credit references or employment;

(ii) False statement of present or prior premises address;

(iii) Use of an alias or false name; or

(iv) Rotation of service among roommates or persons living together.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-366, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-371 Service cancellation, customer.** A company may require that its customers give advance notice to cancel service, but may not require more than three business days' notice. A company may continue to bill for service at approved tariff rates until the company receives notice or until the company realizes that the customer has vacated the property.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-371, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-376 Service cancellation, company.** (1) **Reasons.** If a company has properly notified a customer as provided in subsection (2) of this section, the company may cancel a customer's service when:

(a) The customer:

(i) Has a delinquent bill (as defined in WAC 480-70-396);

(ii) Fails to keep any agreed-upon payment arrangement;

(iii) Abandons the premises;

(iv) Violates rules, service agreements or approved tariffs; or

(v) Fails to comply with state, county, or municipal regulations concerning the service;

(b) The company:

(i) Believes it would be hazardous, unsafe or dangerous to persons or property to provide service;

(ii) Believes that driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions; or

(iii) Has evidence that the customer, for the purpose of avoiding debts, obtained service by dishonest or fraudulent means.

(2) **Notice required.** A company is not required to notify a customer before cancellation if the cancellation is due to danger to life or property, dishonest or fraudulent use, or violation of a law requiring immediate cancellation. In all other instances, a company shall not cancel service until it meets the following notice requirements.

(a) Before a company cancels service it must provide two cancellation notices to the customer. The notices must meet the criteria shown in the following table:

| The first notice: | The second notice: |
|---|---|
| 1. Must be mailed to the billing address. | 1. Must be made at least twenty-four hours before the cancellation date and time specified in the first required notice. |
| 2. Must contain at least the following:<br>• A cancellation date and time. The date and time must be not less than eight business days after the date the notice is mailed if mailed in the state of Washington. The date and time must be not less than 11 business days if mailed from outside the state of Washington.<br>• All pertinent information about the reason for the cancellation.<br>• All pertinent information about how to correct the reason for cancellation.<br>• The company's name, address and toll-free telephone number by which to contact the company to discuss the pending cancellation. | 2. Must allow the customer until 5:00 p.m. of the following business day to comply.<br>3. Must be made by one of the following:<br>**By telephone.** A company must call the customer. If the company representative is unable to speak with the customer on the first attempt, at least one additional attempt must be made. If a customer has provided the company with a business or message telephone number, the second attempt may be made to that number.<br>**By personal delivery.** A company providing notice by personal delivery must make at least one attempt to contact the customer. The company may personally deliver notice by placing a written notice or tag on the customer's solid waste can, container or drop box or on the primary residence door.<br>4. Must contain at least the following:<br>• A cancellation date and time.<br>• All pertinent information about the reason for the cancellation.<br>• All pertinent information about how to correct the reason for cancellation.<br>• The company's name, address and toll-free telephone number to contact the company to discuss the pending cancellation.<br>5. The company must maintain a record of attempts made to contact the customer. The record must show:<br>• The telephone number called;<br>• The date and time the call was made; and<br>• The result of the call. For example: Left a message, no answer, line busy, etc. |
| 3. The company must maintain a written record of all cancellation notices issued. | |

(3) **Notice expiration.**

(a) **No mutually agreed-upon arrangements.** Cancellation notices expire ten business days after the first day that the company may discontinue service. If the company does not cancel service within ten business days, the notice process must start over.

(b) **Mutually agreed-upon arrangements made.** Cancellation notices do not expire if mutually agreed-upon arrangements have been made and confirmed in writing by the company. A company may cancel service without further notice if the customer fails to keep the agreed-upon arrangements.

(4) **No cancellation while customer is pursuing a dispute.** If the customer pays all undisputed amounts when due, and corrects any conditions posing a danger to health, safety or property, a company must not cancel service while:

(a) The customer is pursuing any remedy or appeal provided by these rules;

(b) The customer is attempting to resolve a complaint with the company's representatives; or

(c) The customer is attempting to resolve a complaint with the commission's consumer affairs section staff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-376, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-381 Reinstatement of service following cancellation.** A company must reinstate service on the next scheduled pick-up date, unless asked not to do so by the customer, when:

(1) The responsible party corrects the causes of cancellation;

(2) The customer pays all proper charges due or makes satisfactory payment arrangements; or

(3) The commission or its staff directs reinstatement pending resolution of a dispute.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-381, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-386 Complaints.** (1) **Company responsibility.**

(a) **Complaints from customer.** When a company receives a complaint from a customer or an applicant for service, it must:

(i) Acknowledge the complaint;

(ii) Investigate promptly;

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

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

(v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;

(vi) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

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

(b) **Complaint referred by commission.** When commission consumer affairs staff refer an informal complaint to the company, the company must:

(i) Investigate and report the results to the commission consumer affairs staff within two business days (the commission consumer affairs staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep the commission consumer affairs staff informed of progress toward the solution; and

(iii) Inform the commission consumer affairs staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints concerning service or rates for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:

(i) The complainant's name and address;

(ii) Date and nature of the complaint;

(iii) Action taken; and

(iv) Final result.

(2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC 480-09-150; or

(b) A formal complaint against the company under the provisions of WAC 480-09-500.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-386, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-391 Credits as compensation in consumer complaints or problems.** Companies may offer customers a credit on the customers' bills for:

(1) A missed collection, regardless of the reason the collection was missed; or

(2) As compensation for service quality problems, billing problems, or other problems experienced by the customer.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-391, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-396 Billing.** (1) **Billing period.** A company may bill its customers for one, two, or three months of service.

(2) **Advance billing and payment delinquency dates.** The following chart defines the maximum period allowed for advance billing and the date when a bill may be considered delinquent:

| Billing period | Maximum advance billing period allowed | Delinquency date |
|---|---|---|
| One month's service (monthly) | No advance billing allowed | May not be less than twenty-one days after the date the bill is mailed |
| Two months' service | One month advanced billing allowed | May not be until the last day of the second month |
| Three months' service | Two months' advance billing allowed | May not be until the last day of the third month |

(3) Bills issued to customers must clearly show the company's name and applicable registered trade name, business address, and toll-free telephone number where a customer may contact the company. Bills must also show:

(a) Account information, including:

(i) The customer's name, service address, and billing address;

(ii) Company customer identification number, if any;

(iii) The billing period;

(iv) The date the bill was mailed;

(v) The date payment is due; and

(vi) The date the bill becomes delinquent;

(b) Rate information, including:

(i) The percentage amount or minimum charge for late payments (may not exceed one percent of the unpaid balance or one dollar, whichever is greater);

(ii) All rates or charges billed to the customer, shown as separate line items on the bill (for example: Service and size of container; yardwaste service and size of container; recycling service and recycling commodity adjustment);

(iii) Other tariffed services (for example: Drive-in charges, carry-out charges, and occasional extras); and

(iv) The percentage rate and dollar amount of any government tax or fee imposed on the company and passed on directly to customers;

(c) Other information as may be directed by the commission.

(4) If a customer initiates or terminates solid waste service within a month, monthly rates and charges must be prorated based on the number of pick-ups actually provided.

(5) The commission may allow consolidated billing for regulated and nonregulated activities.

(a) A consolidated billing must:

(i) Disclose nonregulated activity as a separate line item; and

(ii) Include a telephone number where the customer may contact the company providing the nonregulated activity.

(b) If a customer makes partial payment, a company must apply the payment to the regulated solid waste charges first.

(c) A company may not discontinue solid waste service if the customer does not pay for nonregulated services, but has paid in full for regulated solid waste service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-396, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-401 Payment options.** A company may accept payment by cash, money order, personal check, certified check, debit card, or credit card.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-401, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-406 Refunds.** (1) When there has been a transaction that results in a credit being due the customer, the following apply:

(a) If the amount due is five dollars or less, an adjustment must be shown on the next regular bill.

(b) If the amount due is more than five dollars, the customer may accept an adjustment to the account or request a refund. If the customer elects to have an adjustment made, it must show on the next regular billing. If the customer chooses to receive a refund, the company must issue a check within thirty days of the request.

(2) **Overcharges.** Once a company becomes aware that it has overcharged a customer, it must provide a refund or bill adjustment credit to the customer. The customer must be given a choice as to which option is preferred. The refund or credit must be the amount overcharged in the three years before the date of discovery.

(3) **Prepayments.** If a customer has paid service fees in advance, service is discontinued during the prebilled period, and the customer is due a refund, the following apply:

(a) A company must honor all requests for refunds of the unused portion of prepayments.

(b) If the customer provides a forwarding address to the company or one can be obtained from the U.S. Post Office, the company must issue a refund check no more than thirty days following the customer's request.

(c) If the customer cannot be located or did not provide a forwarding address and the U.S. Post Office cannot furnish a forwarding address, the amount may be presumed to be abandoned and is subject to the Uniform Unclaimed Property Act after one year.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-406, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-411 Establishing credit and deposits.** Prepayments made to secure temporary drop-box service are not subject to the provisions of this rule. Refer to WAC 480-70-416 for provisions related to prepayments.

(1) **Establishing credit - residential service.** A company may not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another solid waste collection company for at least six of the twelve months before the application date and:

(i) Service was not canceled for nonpayment;

(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of solid waste bills in the event of cancellation or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required.

(e) The applicant personally produces at the 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) **Establishing credit - commercial service.** A company may require an applicant for commercial service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

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

(b) The applicant's service from another solid waste company was canceled for failure to pay amounts owing

when due during the twelve months before the application date;

(c) The applicant has an unpaid, overdue balance owing for similar service from the solid waste company to which application is being made or from any other solid waste company;

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

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

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings 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 company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The company has not started a cancellation process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, one of the following methods:

(a) 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) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-70-411, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-411, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-416 Prepayments, temporary container and drop-box service.** A company may require its temporary commercial service customers to prepay either:

(1) An amount not exceeding the estimated total due for delivery of the container or drop box, plus rent for the first month, plus pick-up charges and disposal fees for one month; or

(2) Fifty percent of the estimated total that will apply over the length of the service agreement.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-416, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-421 Fair use of customer information.** (1) Customer information includes the customer's name, address, telephone number, service level, credit and deposit information, and billing history.

(2) Companies must use customer information only for:

(a) Providing and billing for services the customer requests;

(b) Marketing new services or options to its customers; or

(c) Providing information to its customers.

(3) Any sale or release of customer information without the written permission of the customer is prohibited. The only exceptions to this rule are:

(a) Release of information to the commission to investigate or resolve complaints filed with the commission by a customer;

(b) Sharing nonpayment information with agencies the company engages to act as the company's agent in pursuing collection of past due accounts; and

(c) Release of information of a former customer for purposes of WAC 480-70-411 (1)(a).

(4) Companies are allowed to collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-421, filed 3/23/01, effective 4/23/01.]

## PART 9—BIOMEDICAL WASTE RULES

**WAC 480-70-426 Biomedical waste, purpose.** It is a matter of statewide concern that biomedical waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-426, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-431 Biomedical waste, adoption of federal regulations.** (1) Companies transporting biomedical waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR), that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste, that meets either federal or state criteria as biomedical waste, must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-431, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-436 Biomedical waste, operational requirements.** (1) A company collecting, transporting and disposing of biomedical waste as defined in WAC 480-70-041 must prepare and maintain a biomedical waste operating plan.

(2) A company must keep the biomedical waste operating plan:

(a) On file in the company's main office; and

(b) A copy must be carried in each motor vehicle used in transportation of biomedical waste.

(3) The biomedical waste operating plan must include provisions ensuring that:

(a) Biomedical waste is kept separate from any other solid waste until treatment or disposal;

(b) Only authorized and properly trained persons collect, transport, and dispose of biomedical waste;

(c) Unauthorized persons are prevented from having access to, or contact with, biomedical waste;

(d) Any motor vehicle used to collect, transport or dispose of biomedical waste is properly decontaminated;

(e) Employees are provided and required to use clean gloves and uniforms, and any other necessary protective clothing when collecting, transporting, and disposing of biomedical waste; and

(f) Appropriate methods are available to decontaminate any person exposed to biomedical waste during collection, transportation, and disposal.

(4) The biomedical waste operating plan must also include alternative storage, treatment and disposal sites in case of an accident or unavailability of the primary storage, treatment, or disposal site.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-436, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-441 Biomedical waste, training requirements.** (1) Any person involved in collection, transportation, and disposal of biomedical waste must be adequately trained. A company involved in collection, transportation, and disposal of biomedical waste must:

(a) Develop, publish and maintain an employee training plan;

(b) Ensure that company employees are properly trained; and

(c) Certify that company employees are properly trained.

(2) The employee training plan must be kept on file in the company's main office, available for inspection by the commission, its authorized representatives, and customers.

(3) The employee training plan must include the following training elements:

(a) Safe operation of motor vehicles and motor vehicle equipment inspection procedures;

(b) Safe collection, transport and disposal of biomedical waste;

(c) Information on health risks associated with the collection, transport and disposal of biomedical waste;

(d) Emergency procedures for spills of biomedical waste, rupture of containers, and equipment failure;

(e) Notification procedures following a biomedical waste spill or repackaging of biomedical waste;

(f) Packaging and labeling requirements;

(g) Personal hygiene practices;

(h) Use of protective clothing and equipment;

(i) Contamination control procedures for vehicles and equipment; and

(j) Shipping-paper requirements.

(4) A company must maintain a file of certificates on each person trained. A suggested sample form for the certificate of employee training is:

CERTIFICATE OF EMPLOYEE TRAINING

Name of Carrier:. . . . . .

Driver's Name:. . . . . .

Operator's Driver's CDL/License No.:. . . . . .

Dates of Training:. . . . . .

Signature of driver acknowledging completion of training program:

Driver:. . . . . Date:. . . . . .

I certify under penalty of perjury under the laws of the state of Washington that the employee named above received training in proper collection, transportation, and disposal of biomedical waste:

Signature/Title:. . . . . Date:. . . . . .

County where signed:. . . . . .

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-441, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-446 Biomedical waste, cooperative agreements.** The commission may enter into cooperative agreements with other state or local agencies, such as the department of labor and industries or the department of health, to review biomedical waste operating or training plans for compliance.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-446, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-451 Biomedical waste, packaging and containment.** (1) Biomedical waste, except for sharps waste (refer to subsection (2) of this section), must be contained in bags or lined containers that are impervious to moisture and that will not rip, tear, leak, or burst under normal conditions of transportation. If bags are used, they must be properly secured to prevent leakage during handling and transportation.

(2) Containers used for sharps waste (refer to WAC 480-70-041) must:

(a) Be impervious to moisture;

(b) Not rip, tear, leak, or burst under normal conditions of transportation;

(c) Be rigid and puncture-resistant; and

(d) Be labeled in accordance with applicable federal standards.

(3) A company transporting biomedical waste contained in bags or disposable containers must place the bags or disposable containers inside tightly covered pails, cartons, drums, or portable bins. The containment system, that may be any color, must be:

(a) Leak-resistant;

(b) In good repair; and

(c) Labeled in accordance with applicable federal standards.

(4) Reusable containers for biomedical waste must be thoroughly washed and decontaminated each time they are emptied.

(5) Packaging and containers marked or labeled as containing biomedical waste may not be used to ship or transport waste that does not meet the definition of biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-451, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-456 Biomedical waste, transfer to off-site treatment and disposal facilities.** A company must transport biomedical waste to a facility that meets all local, state, and federal environmental regulations for treatment, storage, and disposal.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-456, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-461 Biomedical waste, compaction not allowed.** A company must not compact biomedical waste or any material in a container labeled as containing biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-461, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-466 Biomedical waste, vehicle requirements.** (1) A company that transports biomedical waste must ensure that all motor vehicles used to transport biomedical waste are equipped with cargo compartments that:

(a) Can be secured to limit access at all times, except by company personnel during loading and unloading;

(b) Are fully enclosed;

(c) Are leak-proof;

(d) Are made of nonporous material impervious to biomedical waste; and

(e) Are physically separated from the driver's compartment.

(2) A company may substitute a motor vehicle with a detachable cargo box that meets all the requirements of subsection (1) of this section.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-466, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-471 Biomedical waste, shipping-paper requirements.** (1) A company collecting or transporting biomedical waste must issue a shipping paper for each shipment transported. The shipping paper must comply with the requirements of 49 CFR Part 172. The shipping paper must contain at least the following information:

(a) Name and address of the generator of the biomedical waste;

(b) Name of the person representing the generator from whom delivery is accepted;

(c) Name of the company transporting the biomedical waste;

(d) Date and time of collection;

(e) Destination, naming final treatment, storage and disposal destination;

(f) The general type and quantity of biomedical waste collected by the company;

(g) A signature by a representative of the generator of biomedical waste, acknowledging delivery and compliance with all applicable federal, state and local rules regarding packaging and containment; and

(h) A signature by a representative of the company transporting the biomedical waste, acknowledging receipt.

(2) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper must be signed by a representative of the facility accepting the biomedical waste for treatment, storage or disposal, acknowledging acceptance.

(3) A copy of the shipping paper of each shipment must be kept on file by the company at its main office for three years. The shipping paper must be available for inspection by the commission or its authorized representatives.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-471, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-476 Biomedical waste, inspections.** (1) Any shipment of waste meeting the criteria for biomedical waste is subject to inspection by commission staff and by those state, county, and local government personnel charged with the enforcement of laws and ordinances relating to the transport of biomedical waste.

(2) All companies that transport biomedical waste must give authorized persons, as defined in subsection (1) of this section, a reasonable opportunity to inspect containers and motor vehicles, to review shipping papers, and to inspect other places incidental to the transportation of biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-476, filed 3/23/01, effective 4/23/01.]

## PART 10—HAZARDOUS WASTE RULES

**WAC 480-70-481 Hazardous waste, purpose.** It is a matter of statewide concern that hazardous waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-481, filed 3/23/01, effective 4/23/01.]

**WAC 480-70-486 Hazardous waste, adoption of federal regulations.** (1) Companies transporting hazardous waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR) that are adopted by reference.

Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste that meets either federal or state criteria as hazardous waste must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-486, filed 3/23/01, effective 4/23/01.]

## PART 11—ADOPTION BY REFERENCE

**WAC 480-70-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations,** cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2002.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations,** cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2001.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-70-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-70-999, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-999, filed 3/23/01, effective 4/23/01.]

# Chapter 480-75 WAC
# HAZARDOUS LIQUID, GAS, OIL AND PETROLEUM PIPELINE COMPANIES—SAFETY

WAC


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480-75-002 Application of rules. [Statutory Authority: RCW 80.01.040 and 80.04.010. 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-002, filed 3/14/97, effective 4/14/97.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-005 Compliance with federal standards. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-005, filed 9/28/01, effective 10/29/01. 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.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500),

filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-010 Annual reports. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-75-010, filed 12/15/89, effective 1/15/90.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount. [Statutory Authority: RCW 80.01.040. 99-02-036 (Order R-456, Docket No. TO-980905), § 480-75-223, filed 12/30/98, effective 1/30/99.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-230 Modification/waivers. [Statutory Authority: RCW 80.01.040 and 80.04.010. 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-230, filed 3/14/97, effective 4/14/97.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.02.040 and 80.04.160.

## GENERAL RULES

**WAC 480-75-100 Definitions. "Backfill"** means the material filled over the pipe after the pipe is lowered into a trench.

**"Bedding"** means the material placed in the bottom of a trench prior to laying a pipe.

**"Breakout tank"** means a tank that is used to relieve surges in a hazardous liquid pipeline system, or a tank used to receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

**"Company," "pipeline company,"** or **"hazardous liquid pipeline company"** means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or carbon dioxide. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

**"Hazardous liquid"** means (a) petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 CFR Part 195 and (b) carbon dioxide.

**"Independent level alarm"** means an alarm function actuated by a primary level sensing device that is separate and independent from any tank gauging equipment on the tank.

**"Major construction"** means any change in pipeline routing, either horizontally or depth, or replacement of existing pipe of one hundred feet or more in length.

**"Maximum operating pressure (MOP)"** means the maximum operating pressure at which a pipeline may be operated under 49 CFR Part 195.

**"New pipeline"** means a new pipeline that did not previously exist, or an extension of an existing pipeline for one hundred feet or longer.

**"Operator"** means a person who owns or operates pipeline facilities.

**"Person"** means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

**"Pipeline," "pipeline system,"** or **"hazardous liquid pipeline"** means all parts of a pipeline facility through which hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

**"Pipeline facility"** means new and existing pipeline, rights of way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

**"Release"** means when hazardous liquid escapes from the pipeline.

**"Subsoiling"** means the agricultural practice of breaking compact subsoil.

**"Telephonic notification"** means verbal notification by telephone to the Washington utilities and transportation commission, pipeline safety division.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-100, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-200 Application of rules.** The rules in this chapter apply to hazardous liquid pipeline companies that are subject to the jurisdiction of the commission under chapter 81.88 RCW. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-200, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-210 Additional requirements.** (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-210, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-220 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-220, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-240 Annual pipeline safety fee methodology.** (1) Every hazardous liquid pipeline company subject to inspection or enforcement by the commission will pay an annual pipeline safety fee as established in the methodology set forth in section (2) below.

(2) The fee will be set by general order of the commission entered before July 1 of each year and will be collected

in four equal installments payable on the first day of each calendar quarter, beginning July 1, 2001.

(a) The total of pipeline safety fees will be calculated to recover the costs of the legislatively authorized workload represented by current appropriations, less the amount received in federal funds through the Federal Department of Transportation's Hazardous Liquids Pipeline Safety Program base grant. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by such grants be considered a cost for purposes of calculating such fees.

(b) Total pipeline fees as determined in (a) will be divided between intrastate hazardous liquid pipeline companies and interstate hazardous liquid pipeline companies based on two components:

(i) The first component is direct assignment of average costs associated with a company's standard inspections, including the average number of inspection days per year which will be determined annually. Standard inspections are conducted to comply with the state's participation requirement under the "Guidelines for States Participating in the Pipeline Safety Program" of the Federal Department of Transportation, Office of Pipeline Safety.

(ii) The second component is an allocation of the remaining program costs that are not directly assigned in (i). Distribution of these costs between interstate and intrastate hazardous liquid pipeline companies will be based on miles of pipeline operated within Washington state.

(b) The commission general order setting fees pursuant to this rule will detail the allocation of program costs between interstate and intrastate hazardous liquid companies and the specific calculation of each company's pipeline fee.

(3) By April 1 of each year every hazardous liquids pipeline company subject to this section must file an annual report as prescribed by the commission that is necessary to establish the annual pipeline safety fee. By June 1 of each year the commission staff will mail to each company subject to this section an annual invoice showing an estimate of the quarterly amounts.

(4) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For those companies subject to RCW 81.24.010 the portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(5) Any company wishing to contest the amount of the fee imposed under this section must pay the fee and, within 6 months of the due date of the fee, file a petition in writing with the commission requesting a refund. The petition shall state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; and any reasons why the commission may not impose the fee. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 2001 c 238 § 2. 02-03-016 (Docket No. UG-010522, General Order No. R-497), § 480-75-240, filed 1/4/02, effective 2/4/02.]

**WAC 480-75-250 Civil penalty for violation of chapter 81.88 RCW.** (1) Any company that violates any public safety provision of chapter 81.88 RCW or regulation issued thereunder, required for compliance with the Federal Pipeline Safety Law, 49 U.S.C. Section 60101, is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including any commission order or chapter 480-75 WAC.

(2) In determining the amount of the penalty, the commission will consider the appropriateness of the penalty in relation to the position of the person charged with the violation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-250, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-260 Exemption for rules in chapter 480-75 WAC.** (1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, with the purposes underlying regulation, and with 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, giving a full explanation of the reason for the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) 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 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-260, filed 8/26/02, effective 9/26/02.]

## DESIGN

**WAC 480-75-300 Leak detection.** (1) Companies must rapidly locate leaks from their pipeline. Companies must provide leak detection for under flow and no flow conditions.

(2) Leak detection systems must be capable of detecting an eight percent of maximum flow leak within fifteen minutes or less.

(3) Companies must have a leak detection procedure and a procedure for responding to alarms. The operator must maintain leak detection maintenance and alarm records.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-300, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-310 Geological considerations.** New pipeline designs must consider potential impacts from seismic activity and earth movement.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-310, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-320 Overpressure protection.** A company must conduct a surge analysis to ensure that the surge pressure does not exceed one hundred ten percent of the MOP. The pressure relief system must be designed and operated as determined in the surge analysis, at or below the MOP except under surge conditions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-320, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-330 Overfill protection.** Break out tanks must have an independent level alarm.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-330, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-340 Cathodic protection test station location.** Each cathodically protected pipeline must have test stations and other electrical measurement contact points that are located at pipe casings and at locations sufficient to facilitate cathodic protection testing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-340, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-350 Design specifications for new pipeline projects.** New pipeline projects must be designed in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbon and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-350, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-360 Class locations.** (1) This section classifies pipeline locations for the design of new pipelines. The following criteria apply to classifications under this section.

(a) A "class location unit" is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous 1 mile (1.6 kilometers) of pipeline.

(b) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(2) Except as provided in subsection (3) of this section, pipeline locations are classified as follows:

(a) A Class 1 location is:

(i) An offshore area; or

(ii) Any class location unit that has ten or fewer buildings intended for human occupancy.

(b) A Class 2 location is any class location unit that has more than ten but fewer than forty-six buildings intended for human occupancy.

(c) A Class 3 location is:

(i) Any class location unit that has forty-six or more buildings intended for human occupancy; or

(ii) An area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(d) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(3) The continuous one-mile of pipeline must be adjusted to include all buildings in the higher class location. The class location unit must encompass the highest classification of buildings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-360, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-370 Design factor (*F*) for steel pipe.** Except as otherwise provided in subsections (1), (2) and (3) of this section, the design factor to be used in the design formula in 49 CFR 195.106 for new pipelines is determined in accordance with the following table. Information about the Code of Federal Regulation regarding the version adopted and where to obtain it is set out in WAC 480-75-999, Adoption by reference.

| Class location | Design factor (F) |
|---|---|
| 1 | 0.72 |
| 2 | 0.60 |
| 3 | 0.50 |
| 4 | 0.40 |

(1) For Class 1 locations a design factor of 0.60 or less must be used in the design formula in 49 CFR 195.106 for steel pipe in Class 1 locations that:

(a) Crosses the right of way of an unimproved public road, without a casing;

(b) Crosses without a casing, or makes a parallel encroachment on the right of way of either a hard-surfaced road, a highway, a public street, or a railroad;

(c) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

(d) Is used in a fabricated assembly (including mainline valve assemblies, cross-connections, and river crossing headers).

(2) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for uncased steel pipe that crosses the right of way of a hard-surfaced road, a highway, a public street, or a railroad.

(3) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR 195.106 for:

(a) Steel pipe in a pump station; and

(b) Steel pipe (including a pipe riser, on a platform located offshore or in inland navigable waters).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-370, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines.** No new pump station will be located on any hazardous liquid pipeline or be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In areas not zoned, the distance between any pump station and any existing building intended for human occupancy and not under the control of the company will not be less than five hundred feet. When locating new pump stations and breakout tanks, the operator must consider such hazards as overhead power lines, geologic faults, areas prone to flooding, landslides, and rock fall. This requirement only applies prior to facility construction.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-380, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-390 Valve spacing and rapid shutdown.** (1) Each company must have procedures to rapidly locate and isolate reportable releases from a pipeline.

(2) When determining the type of valve to be used, its location, and its shut-off time, a company must consider the following:

(a) Terrain;

(b) Geohazards;

(c) Drainage; and

(d) Type and condition of the pipe.

(3) Whenever a new rapid shutdown valve is to be installed, the company must conduct a surge analysis to ensure that the surge pressure in the pipeline will not exceed one hundred ten percent of the maximum operating pressure as a result of a rapid valve closure.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-064 (Docket No. TO-000712, General Order No. R-508), § 480-75-390, filed 12/12/02, effective 1/12/03.]

## CONSTRUCTION AND REPAIRS

**WAC 480-75-400 Backfill and bedding requirements.** (1) For new pipelines or when conducting maintenance activity for existing pipelines backfilling and bedding must be provided in a manner that will provide firm support for the pipeline and in a manner that neither the pipe nor the pipe coating is damaged by the backfill material or by subsequent surface activities.

(2) Where the backfill material contains rocks or hard lumps that could damage the coating, care must be taken to protect the pipe and the pipe coating from damage by such means as the use of mechanical shield material.

(3) Backfilling procedures must not cause distortion of the pipe cross-section that would be detrimental to the operation of the piping, passage of cleaning, or internal inspection devices.

(4) Backfilling must be performed in such a manner as to prevent excessive subsidence or erosion of the backfill and support material. Where a ditch is flooded, care must be exercised so that the pipe is not floated from the bottom of the ditch prior to backfill completion.

(5) For open trench installations that cross paved areas subject to vehicular loading, the backfill must be compacted in layers to a minimum of ninety-five percent relative density.

(6) Bedding material must be clean sand or soil and must not contain stones having a maximum dimension larger than one-half inch. Material must be placed to a minimum depth of six inches under the pipe and six inches over the top of the pipe. The remaining backfill must not contain rock larger than six inches. Organic material and wood is not permitted for bedding and backfill.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-400, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-410 Coatings.** All new coated pipe used to transport hazardous liquids must be electrically inspected prior to backfilling, using a holiday detector to check for faults not observable by visual examination. The holiday detector must be operated in accordance with the manufacturer's instructions and at the voltage level appropriate for the electrical characteristics of the pipeline system being tested.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-410, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-420 Hydrostatic test requirements.** New or existing hazardous liquid pipelines while being hydrostatically tested must have, at a minimum, the following:

(1) When a manifold is used for hydrostatic testing, then an isolation valve must be provided between the pressure testing manifold and the pipeline being tested. The isolation valve must be rated for the manifold test pressure when in the closed position. The pressure testing manifold in the actual pressure test must be separately pressure tested to at least 1.2 times the pipeline test pressure but not less than the discharge pressure of the pump used for the pressure testing.

(2) When a pressure relief valve is used to protect the pipe, then the pressure relief valve(s) must be of adequate capacity and set to relieve at ten percent above the hydrostatic test pressure. The relief valves must be calibrated within one month prior to the hydrotest.

(3) A bleed valve may be provided to protect the pipeline from overpressure. When a bleed valve is used, it must be readily accessible in case immediate depressurization is required.

(4) A test chart or other recording method that shows that the pressure was maintained at the minimum test pressure throughout the entire test must be documented for all hydrostatic tests. A company representative must sign and date the test to certify the validity of the test. All equipment such as hoses, piping, and other equipment used to hydrostatically test the pipe must be rated for at least the target pressure.

Each hydrostatic test of a pipeline must be documented to show:

(a) Test date;

(b) Signature of the certifying agent;

(c) Beginning and ending times of the test;

(d) Beginning and ending temperatures; and

(e) Highest and lowest pressure achieved.

(5) Precautions such as warning signs must be posted indicating a pipeline is under test conditions.

(6) Companies must notify public officials who have jurisdiction encompassing the area affected by the pipeline test.

(7) No additional water is allowed to be added to the pipeline once the hydrostatic test has started. As pressure varies significantly with changing test water temperatures, each operator must take into consideration temperature variation in the test water before accepting the test.

(8) Before conducting a hydrostatic test, a company needs to consider Washington state department of ecology regulations for disposal of testing water.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-420, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-430 Welding procedures.** (1) For new and existing pipelines, all welding procedures and welders must be qualified to the API Standard 1104 or Section IX of the ASME Boiler and Pressure Vessel Code. Information about the API standards and the ASME edition adopted, and where to obtain them, are set out in WAC 480-75-999, Adoption by reference. Each welder qualification test result must be recorded and kept for a period of five years, and:

(a) Operators must use testing equipment necessary to measure the essential variables during welder qualification or requalification, and also for procedure qualification or requalification. All essential variables must be recorded as performed during the welding qualification.

(b) Qualified welding procedures must be on-site where welding is being performed.

(2) Welders must carry appropriate identification and qualification cards showing the name of welder, their qualifications, date of qualification expiration, and the company whose procedures were followed for the qualification. Welders' qualification cards will be subject to commission inspection at all times when personnel are working on facilities subject to commission jurisdiction.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 and 02-20-015 (Docket No. TO-000712, General Order No. R-500 and R-502), § 480-75-430, filed 8/26/02 and 9/20/02, effective 9/26/02 and 10/21/02.]

**WAC 480-75-440 Pipeline repairs.** Pipeline repairs must be made in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-440, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-450 Construction specifications.** New pipeline construction must conform to the requirements of ASME B31.4. Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. The longitudinal seams of connecting pipe joints must be offset by at least two inches. In addition, the longitudinal seams must be located on the upper half of the pipe when laid in the trench. Seamless pipe is exempted from the requirements of the longitudinal seam orientation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-450, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-460 Welding inspection requirements.** All new girth welds on new or repaired sections of pipe must be one hundred percent inspected by radiography or automatic ultrasonic testing in accordance with API 1104. Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference. Companies must keep a log of each weld inspected and keep all inspection records for the life of the pipeline.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-460, filed 8/26/02, effective 9/26/02.]

## OPERATION AND MAINTENANCE

**WAC 480-75-500 Moving and lowering hazardous liquid pipelines.** Prior to moving or lowering any hazardous liquid pipeline, hazardous liquid pipeline companies must prepare a study, to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by a person designated by the company who is qualified to review the study, and retained in the company's files for the life of the pipeline. The study must include pipe stress calculations based on API RP 1117 "Movement of In-Service Pipelines." Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-500, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-510 Remedial action for corrosion deficiencies.** Companies must initiate remedial action as necessary to correct deficiencies observed during corrosion monitoring, but no later than ninety days after acknowledging the deficiencies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-510, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-520 Inspections during excavation.** Whenever a pipe is exposed for any reason, the operator must examine the pipe for evidence of mechanical damage or external corrosion, including inspecting the coating for evidence of damage. Mechanical damage must be evaluated and repaired as necessary, in accordance with company repair procedures. Coating damage must be repaired prior to reburying the pipeline. If the operator finds active corrosion,

general corrosion, or corrosion that has caused a leak, the operator must investigate further to determine the extent of corrosion. The pipeline must be inspected prior to and during backfilling of the exposed section. The results of this inspection must be documented and maintained for the life of the pipeline.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-520, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-530 Right of way inspections.** Right of way inspections must be scheduled at least once each calendar week. If weather impedes the ability to conduct a fly-over inspection for a consecutive two week period, the weather condition must be noted and the pipeline right of way inspection must be driven or walked within the two week period.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-530, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-540 Pipeline markers and above ground facilities.** Proper pipeline markers must be placed where hazardous liquid pipelines and any associated facilities are exposed. All hazardous liquid pipelines attached to bridges or otherwise spanning an area must have pipeline markers that are visible and readable at both ends of the suspended pipeline. Each operator must inspect all markers annually. Pipeline markers that are found damaged or missing must be replaced within thirty days.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-540, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-550 Change in class location.** Companies complying with WAC 480-75-360 and 480-75-370 must reevaluate their maximum operating pressure when there is a change in class location. The class location must be reevaluated periodically but not less often than once every five years.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-550, filed 8/26/02, effective 9/26/02.]

## REPORTING

**WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities.** (1) All companies must prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records that pertain to hazardous liquid pipeline facilities. The maps, drawings, and records must be of sufficient scale and detail as is necessary to show the size and type of material of all facilities.

(2) Each company must make books, records, reports, and other information available to the commission, so the commission or its authorized representatives can determine whether the company is in compliance with state and federal regulations.

(3) When pipeline facilities are modified, all construction records, revision to maps, and operating history made available to appropriate operations personnel must be updated within six months.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-600, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-610 Reporting requirements for proposed construction.** (1) At least forty-five days prior to any major construction of any hazardous liquid pipeline intended to be operated at twenty percent or more of the specified minimum yield strength of the pipe used, a report must be filed with the commission setting forth the proposed route and the specifications for such pipeline. The forty-five-day reporting requirement may be waived in the event of an emergency. In the event of an emergency, the company must notify the commission as soon as practical. The report must include, but is not limited to, the following items:

(a) Description and purpose of the proposed pipeline;

(b) Pipe specifications and route map;

(c) Maximum operating pressure for which the pipeline is being constructed;

(d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments, and other areas requiring special or unusual design and construction considerations;

(e) Corrosion control plan that includes the specifications for coating and for wrapping;

(f) Welding specifications and welding inspection methods and procedures required during construction of the pipeline;

(g) Required bending procedures; and

(h) Location and specification of all mainline block valves indicating whether the valves will be operated by manual or remote control. Indicate other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(2) For pipelines operating under twenty percent specified minimum yield strength, companies must submit to the commission a written notice at least forty-five days prior to the proposed construction. The notice must include a project description and timeline.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-610, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-620 Pressure testing reporting requirements.** If pressure testing is to be used to increase the maximum operating pressure of a pipeline, companies must file a report with the commission at least forty-five days prior to pressure testing. The report must include the change in the maximum operating pressure and include the information required to qualify the pipeline for higher operating pressure.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-620, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-630 Incident reporting.** (1) Every company must give prompt telephonic notice to the commission within two hours of discovery of an incident such as a release of a hazardous liquid resulting in:

(a) A fatality;

(b) Personal injury requiring hospitalization;

(c) Spills of five gallons or more of product (the commission request voluntary compliance with 49 CFR, Part 195.50 (b). If the Washington state legislature adopts this change, then notice of the five-gallon spill will be mandatory);

(d) Damage to the property of the company and others of a combined total cost exceeding twenty-five thousand dollars (automobile collisions and other equipment accidents not involving hazardous liquid or hazardous-liquid-handling equipment need not be reported under this rule);

(e) A significant occurrence in the judgment of the company, even though it does not meet the criteria of (a) through (d) of this subsection;

(f) The news media reports the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.

(2) A written report must be sent to the commission within one month of the incident. The report must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;

(b) The extent of injuries and damage;

(c) A description of the incident including date, time, and place;

(d) A description and maximum operating pressure of the hazardous liquid facilities implicated in the incident and the system operating pressure at the time of the incident;

(e) The date and time the hazardous liquid facility returns to safe operations; and

(f) The date, time, and type of any temporary or permanent repair.

(3) An operator must give the commission telephonic notification within twenty-four hours of emergency situations including emergency shutdowns, material defects, or physical damage that impairs the serviceability of the pipeline.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-630, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-640 Depth-of-cover survey.** For pipelines constructed after April 1, 1970. Every five years depth-of-cover surveys must be conducted in rights of way to ensure the minimum depth-of-cover as required by subsections (1) and (2) of this section has been maintained for the entire pipeline. In areas subject to erosion and subsoiling, the survey period is every three years.

(1) Unless specifically exempted in this section, all pipe must be buried so that it is below the level of cultivation. Except as provided in subsection (2) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

| Location | Cover (inches) For normal excavation | Cover (inches) For rock excavation |
|---|---|---|
| Industrial, commercial, and residential areas | 36 | 30 |
| Crossings of inland bodies of water with a width of at least 100 ft. from high water mark to high water mark | 48 | 18 |
| Drainage ditches at public roads and railroads | 36 | 36 |
| Deepwater port safety zone | 48 | 24 |
| Any other area | 30 | 18 |

Note: Rock excavation is any excavation that requires blasting or removal by equivalent means.

(2) Less cover than the minimum required by subsection (1) of this section may be used if:

(a) It is impracticable to comply with the minimum cover requirements; and

(b) Additional protection is provided that is equivalent to the minimum required cover.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-640, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-650 Annual reports.** (1) The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission (FERC) is hereby adopted for hazardous liquid pipeline companies. At the close of each calendar year, hazardous liquid pipeline companies must secure from the FERC two copies of the annual report forms. The annual report must be completed for the calendar year's operations. One completed copy of the annual report must be submitted to the commission no later than April 1 of the succeeding year. The second completed copy must be retained by the company.

(2) For those companies not required to file form No. 6 the commission requires those companies to file annual report form 224-225 prescribed by the commission. The annual report will be mailed to each company by February 15 of each year. Companies must submit an annual report to the commission no later than April 1 of the succeeding year.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-650, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-660 Operations safety plan requirements.** (1) Each company must prepare an operations safety plan (plan) that demonstrates the pipeline system is designed, constructed, operated, and periodically modified to provide for protection of the public and the environment. Facility operations must follow the plan. The plan must be thorough and contain enough information, analysis, and supporting documentation to demonstrate the company's ability to meet

the requirements of this chapter. The plan may be incorporated into a company's existing operation, maintenance, or emergency plan as required by 49 CFR 195.402.

(2) A log sheet must be included in the plan to record amendments. The log sheet must include the date the old section was eliminated, any new sections that were added, the date, the initials of the individual making the change, and the signature of the person responsible for reviewing the amendment. A description of the amendment(s) and its purpose must be included.

(a) At a minimum, the plan must include the following:

(i) The requirements in chapter 480-75 WAC;

(ii) A schedule of inspection and testing of all the mechanical components and electronic components within the pipeline system;

(iii) Structural integrity of all pipelines determined through pressure testing, in-line inspection surveys, or other appropriate techniques;

(iv) Failsafe systems including emergency shutdown and isolation procedures;

(v) Emergency management training for operators;

(vi) Procedures for responding to earthquakes that must include a threshold for line shutoff, and procedures for integrity monitoring prior to restart; and

(vii) Procedure for assessing the potential for impacts on the pipeline system due to landslides. Operators with facilities located within potential landslide areas must develop monitoring and remediation procedures for ensuring that pipeline integrity is maintained in these areas.

(3) Companies must submit a plan to the commission within twelve months after the adoption of this rule. New companies must submit a plan to the commission no later than sixty days prior to startup.

The plan must be submitted to:

Washington Utilities and Transportation Commission
Pipeline Safety Division
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

(4) Amendments to the plan must be submitted to the commission within thirty days of the change.

(5) Companies must ensure that appropriate personnel are trained and familiar with the plan's content.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-660, filed 8/26/02, effective 9/26/02.]

**WAC 480-75-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on June 1, 2002.

(b) This publication is referenced in WAC 480-75-005.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

(2) *The American Society of Mechanical Engineers* (ASME) B31.4, 1998 edition.

(a) This publication is referenced in WAC 480-75-350, 480-75-440, 480-75-450.

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of *Section IX of the ASME Boiler and Pressure Vessel Code.*

(a) This publication is referenced in WAC 480-75-430.

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* is available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(4) The commission adopts *American Petroleum Institute (API) standard 1104* 18th edition.

(a) This publication is referenced in WAC 480-75-430, 480-75-460.

(b) Copies of API standard 1104 18th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts *API RP standard 1117* Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500.

(b) Copies of API standard 1117 Second Edition are available from the Office of API Publishing Services in Washington DC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-999, filed 8/26/02, 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-80 WAC
## UTILITIES GENERAL—TARIFFS, PRICE LISTS, AND CONTRACTS

WAC

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480-80-035 Price lists. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-035, filed 4/4/01, effective 5/5/01.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-040 Tariff. [Order R-5, § 480-80-040, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-041 Tariff. [Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-041, filed 11/30/87.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-045 Filing of banded tariffs. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-045, filed 9/19/85.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-047 Access charges. [Statutory Authority: RCW 80.01.040. 91-13-003 and 91-17-045 (Order R-344, Docket No. UT-900880), § 480-80-047, filed 6/6/91 and 8/20/91, effective 7/7/91 and 9/20/91.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-80-048 Collective consideration of Washington intrastate rate, tariff, or service proposals. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 92-07-010 (Order R-370, Docket No. UT-910856), § 480-80-048, filed 3/6/92, effective 4/6/92.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-80-049 Caller identification service. [Statutory Authority: RCW 80.01.040. 92-08-075 (Order R-371, Docket No. UT-920162), § 480-80-049, filed 3/30/92, effective 4/30/92.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-80-050 Copies of tariff to be filed. [Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-050, filed 11/30/87; Order R-5, § 480-80-050, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-060 Delivery of tariff. [Order R-5, § 480-80-060, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-070 Statutory notice. [Statutory Authority: RCW 80.01.040. 89-15-042 (Order R-303, Docket No. U-89-2970-R), § 480-80-070, filed 7/18/89, effective 8/18/90; Order R-5, § 480-80-070, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-080 Tariff file at principal business office. [Order R-5, § 480-80-080, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-090 Tariff file at designated business offices. [Order R-5, § 480-80-090, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-100 Payment agencies. [Order R-5, § 480-80-100, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-110 Reference to tariff file. [Order R-5, § 480-80-110, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-120 Notice to the public of tariff changes. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-120, filed 9/19/85; Order R-5, § 480-80-120, filed 6/6/69, effective 10/9/69.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-80-125 Notice by utility to customers concerning hearing. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-80-125, filed 12/23/87; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-125, filed 9/19/85; 82-13-088 (Order R-184, Cause No. U-82-03), § 480-80-125, filed 6/23/82. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-130 Notation of receipt of tariff by agents. [Order R-5, § 480-80-130, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-140 Form of tariff sheets. [Order R-5, § 480-80-140, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-150 Numbering of tariffs. [Order R-5, § 480-80-150, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-160 General arrangement of tariff. [Order R-5, § 480-80-160, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-170 Schedule designation. [Order R-5, § 480-80-170, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-180 Tariff sheet designation. [Order R-5, § 480-80-180, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-190 Numbering plan for sheets. [Order R-5, § 480-80-190, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-200 Title page. [Order R-5, § 480-80-200, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-210 Index page. [Order R-5, § 480-80-210, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-220 Rules and regulations page. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-220, filed 9/19/85; Order R-5, § 480-80-220, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-230 Rate schedule page. [Order R-5, § 480-80-230, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-240 Less than statutory notice. [Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-80-240, filed 12/1/93, effective 1/1/94; 86-14-113 (Order R-263, Cause No. U-86-42), § 480-80-240, filed 7/2/86; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-240, filed 9/19/85; Order R-5, § 480-80-240, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-250 Adoption notice. [Order R-5, § 480-80-250, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-260 Tariff of acquired utility. [Order R-5, § 480-80-260, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-270 Reference to tariff. [Order R-5, § 480-80-270, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-280 Issuing agent. [Order R-5, § 480-80-280, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-290 Suspension of tariffs. [Order R-5, § 480-80-290, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-300 Rejection of tariffs. [Order R-5, § 480-80-300, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-310 Exceptions. [Order R-5, § 480-80-310, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-320 Discontinuance of service. [Order R-5, § 480-80-320, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-325 Contract for service. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-325, filed 4/4/01, effective 5/5/01.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-326 Contract for gas and electric service. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-326, filed 4/4/01, effective 5/5/01.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-330 Telecommunications contracts. [Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-80-330, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 80.01.040. 89-12-038 (Order R-301, Docket No. U-88-1704-R), § 480-80-330, filed 6/1/89; 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-330, filed 10/28/88; Order R-5, § 480-80-330, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-335 Special contracts for electric, water, and natural gas companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 00-17-048 (General Order No. R-472, Docket No. U-991928), § 480-80-335, filed 8/7/00, effective 9/7/00. Statutory Authority: RCW 80.01.040. 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-335, filed 10/28/88.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-340 Forms. [Order R-5, § 480-80-340, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-350 Refiling tariffs. [Order R-5, § 480-80-350, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-360 Standard tariff forms. [Order R-5, § 480-80-360, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-370 Symbols. [Order R-5, § 480-80-370, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-380 Availability of rules. [Order R-5, § 480-80-380, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-390 Mandatory cost changes for telecommunications companies. [Statutory Authority: RCW 80.01.040. 94-01-146 (Order R-406, Docket No. UT-931027), § 480-80-390, filed 12/21/93, effective 1/21/94; 93-09-050 (Order R-385, Docket No. UT-920960), § 480-80-390, filed 4/19/93, effective 5/20/93; 89-19-038 (Order R-307, Docket No. U-89-2876-R), § 480-80-390, filed 9/15/89, effective 10/16/89.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

## I. GENERAL RULES

**WAC 480-80-010 Application of rules.** (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of Title 80 RCW.

(2) The tariffs, price lists, and contracts filed by public service companies must conform with these rules. If the commission accepts a tariff, price list, or contract that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs, price lists, or contracts that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a public service company or customer by posing an informal complaint under WAC 480-09-150 (Informal complaints), or by filing a formal complaint under WAC 480-09-420 (Pleadings and briefs—Applications for authority—Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

(5) Any tariff, price list, or contract on file and in effect or pending on the effective date of these rules is not required to be refiled to comply with these rules.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-010, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-010, filed 9/19/85; Order R-5, § 480-80-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC.** (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

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

(6) Competitive telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariffs, price lists, and contracts, are not exempt from Part I and Part III of this chapter. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted. This subsection confirms that there is no change in exemptions previously granted to telecommunications companies that have been classified as competitive as a result of:

(a) Moving rules between chapters 480-80 and 480-120 WAC; and

(b) Renumbering sections within chapters 480-80 and 480-120 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-015, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-020 Additional requirements.** (1) These rules do not relieve any public service company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any public service company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-020, filed 5/14/02, effective 6/17/02; Order R-5, § 480-80-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-025 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-025, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-030 Definitions.** The definitions in this section apply throughout the chapter unless the context clearly requires otherwise:

**"Advice number"** means a number assigned by the applicant to a tariff filing or contract filing for internal tracking purposes.

**"Banded rate"** means a rate that has a minimum and maximum rate.

**"Commission"** means the Washington utilities and transportation commission.

**"Competitive telecommunications company"** means a telecommunications company that has been classified as competitive by the commission pursuant to RCW 80.36.310.

**"Fax"** means the transmittal of electronic signals over telephone lines for conversion into written text.

**"Price list"** means a telecommunications company's standard offer to the general public or to other telecommunications companies of one or more intrastate telecommunications services that the commission has determined to be subject to effective competition.

**"Public service company"** means every gas company, electric company, telecommunications company, water company, or irrigation plant that is subject to the jurisdiction of the commission as to rates and service.

**"RCW"** means the Revised Code of Washington.

**"Tariff"** is a document that sets forth terms and conditions of regulated service, including rates, charges, tolls, rentals, rules, and equipment and facilities, and the manner in which rates and charges are assessed for regulated services provided to customers, and rules and conditions associated with offering service.

**"Unified Business Identifier (UBI) number"** means the standard nine-digit sequential number issued by Washington state and used by all state agencies to uniquely identify a business entity. The department of licensing, department of revenue, and secretary of state's office are authorized to issue UBI numbers.

**"Utility"** means every public service company that has not been classified as competitive by the commission.

**"WAC"** means the Washington Administrative Code.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-030, filed 5/14/02,

effective 6/17/02. Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-030, filed 9/19/85; Order R-5, § 480-80-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-031 Delivery of tariff, price list, and contract filings.** (1) The commission records center will accept a tariff, price list, or contract filing delivered in person, by mail, fax, or (when procedures are in place) electronic means. The commission records center will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing(s) and a transmittal letter by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission records center must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the commission records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission records center will return an electronic mail message noting the receipt date.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-031, filed 5/14/02, effective 6/17/02.]

## II. TARIFFS AND CONTRACTS: UTILITIES

**WAC 480-80-101 Tariff requirements.** (1) A utility that is required to have a tariff on file with the commission must file and maintain its tariff(s) as required in the RCW and WAC.

(2)(a) A utility that provides more than one kind of service, such as gas, electric, or water, must file a separate tariff for each service type.

(b) Each tariff must have an official designation number, printed as WN U-number. Subsequent tariff designations must be sequentially numbered in ascending order.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-101, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-102 Tariff content.** The tariff must include:

(1) **Title page.** The first sheet of the tariff must contain the following information:

(a) Tariff number;

(b) The canceled tariff number, when applicable;

(c) The types of services covered by the tariff;

(d) An identification of the territory to which the tariff applies;

(e) Effective date of the sheet; and

(f) The complete name, address, phone number, unified business identifier (UBI) number, and if available, the mail address and web page address of the issuing utility.

(2) **Index or table of contents.** The second section of the tariff must be updated, when applicable, whenever a tariff sheet is added, revised, or canceled. It must include:

(a) Tariff number;

(b) Name of the utility issuing the tariff;

(c) Effective date of the revised index or table of contents sheet; and

(d) A complete and accurate list of the contents of the tariff.

(3) **Legend of symbols.** This section must identify all symbols used in the tariff to identify changes resulting from the filing of the specific sheet change. The list must include the required symbols and their meanings, and any other utility-specific symbol with its meaning, consistent with the requirements identified in WAC 480-80-105(4).

(4) **Rules section.** The rules section sets forth the conditions governing services under the tariff.

(a) The rules section must include the following, when applicable:

(i) Application for service;

(ii) Definition of service;

(iii) Reconnection charge;

(iv) Service connection;

(v) Installation of meters;

(vi) Distribution main or line extension unless specified in a rate schedule;

(vii) Responsibility for, and maintenance of, distribution plant and service lines;

(viii) Access to premises;

(ix) Interruptions to service;

(x) Bills;

(xi) Deposits;

(xii) Delinquent accounts;

(xiii) Discontinuance of service; and

(xiv) The method the utility will use to give notice to its customers of changes within the limits of a banded rate.

(b) Gas companies must also include the requirements set out in:

(i) WAC 480-90-233 (Purchased gas adjustment) (may be included in rules section or rates section);

(ii) WAC 480-90-303 (Heating value of gas); and

(iii) WAC 480-90-343 (Statement of meter test procedures).

(c) Electric companies must also include the requirements set out in WAC 480-100-343 (Statement of meter test procedures).

(d) Rules for specific services may be included in either the rate schedule section or the rules section.

(5) **Rate schedule section.**

(a) Rate schedule sheets must include the following, when applicable:

(i) Schedule number;

(ii) A title that accurately describes the service;

(iii) Availability;

(iv) The rates to be paid for the service;

(v) Any special terms or conditions associated with the service or the calculation of rates to be paid for the service.

(b) Telecommunications companies not classified as competitive must also provide the following information, when applicable, based upon the type of service offered:

(i) **Exchange service rate schedules** that include:

(A) Primary rate schedules;

(B) Private branch exchange rate schedules;

(C) Miscellaneous rate schedules; and

(D) Exchange area maps.

(ii) **Inter-exchange service rate schedules** that include:

(A) Basic rate schedules;

(B) Supplementary rate schedules; and

(C) List of toll points.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-102, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-103 Tariff format.** (1) **Tariff sheet format.**

(a) A utility must clearly print or type all tariffs on eight and one-half inch by eleven inch paper, with at least one-half inch margins on each side.

(b) The tariff sheet must include a blank space at least two inches wide and one and one-half inches high in the upper right hand corner of the sheet for commission use.

(c) Tariff sheets filed electronically must meet the requirements set forth in the applicable commission procedures.

(2) **Sheet requirements.** Each tariff sheet must specify:

(a) The designated tariff number;

(b) The tariff sheet revision number;

(c) The name of the utility issuing the tariff; and

(d) The effective date.

(3) **Sheet numbering.** Each tariff sheet must have a unique sheet number.

(a) The utility must designate the initial tariff sheet as the "original sheet."

(b) All subsequent revisions must be in sequential order and indicate the cancellation of the superseded sheet as follows:

On the first revision, designate the sheet as:
FIRST (or 1st) REVISION OF SHEET
CANCELING
ORIGINAL SHEET

On the second revision, designate the sheet as:
SECOND (or 2nd) REVISION OF SHEET
CANCELING
FIRST REVISION OF SHEET

(c) Each tariff revision sheet must use consecutive revision numbers and indicate the cancellation of the superseded sheet.

(d) A utility may reuse revision numbers assigned to sheets that were rejected or withdrawn for subsequent tariff changes.

(e) A utility may not reuse sheet numbers assigned to tariff sheets that are canceled and removed from the tariff during the life of the tariff unless the utility specifies that the sheet is reserved for future use.

(f) A utility may assign sheet numbers to sheets intended for future use.

(4) **Authorizing signature.**

(a) When the tariff sheets are submitted without a signature, the utility must include a statement in the transmittal letter certifying that the submitting person has authority to issue tariff revisions on behalf of the utility; or

(b) When the tariff sheets are submitted with a signature, such signature constitutes a certification that the person signing the tariff sheet has the authority to issue the tariff sheets on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-103, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-104 Transmittal letter.** A utility must submit a transmittal letter with all tariff and contract filings. The transmittal letter must:

(1) Identify all new tariffs or contracts, or identify the tariff or contract changes;

(2) Explain in understandable terms why the tariff or contract filing is being submitted;

(3) Specify the changes requested in clear and concise terms and define any acronyms used;

(4) Refer to the commonly used name of the service, the advice number, if known, and the docket number, if applicable;

(5) Include the advice number if the utility uses consecutively numbered advice letters;

(6) Describe the general effect of, and reasons for, tariff or contract filings involving only text changes;

(7) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change. If a combination of changes is filed (i.e., increases and decreases), each change should be described, as well as the net effect on company revenues; and

(8) If the utility does not include an authorizing signature on the tariff sheets, include a statement certifying that the submitting person has authority to issue tariff revisions on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-104, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-105 Tariff filing instructions.** (1) A tariff filing must:

(a) Comply with statutory notice requirements;

(b) Specify the requested effective date of the tariff sheet;

(c) Include an original and two copies of each tariff sheet unless it is filed electronically; and

(d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

(2) Tariff filings must comply with the requirements set forth in chapter 480-09 WAC, where applicable.

(3) The tariff filing must include information sufficient to determine that the proposed tariff is fair, just, and reasonable.

(4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all changes with the tariff symbol that best reflects the purpose and effect of the change. A utility:

(a) Must locate the symbols on the right hand side of the changed text directly across from the change;

(b) Must use the following list of symbols to signify:

**D** - discontinued rate, service, regulation, or condition;

**N** - new rate, service, regulation, condition, or sheet;

**I** - a rate increase;

**R** - a rate reduction;

**C** - changed condition or regulation;

**K** - that material has been transferred **to** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's new sheet number);

**M** - that material has been transferred **from** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's former sheet number);

**T** - a change in text for clarification;

**O** - no change. (This symbol is discretionary unless specifically requested by the commission); and

(c) May use additional symbols for other purposes when it has identified the symbols in its tariff as provided for in WAC 480-80-102(3).

(5) A utility must not give effect to revised tariff sheets until the commission approves the tariff filing by issuing an order or the new or changed provisions become effective by operation of law.

(6) When a tariff sheet(s) becomes effective, the commission will return one copy of the transmittal letter and one copy of each tariff sheet to the utility marked with the receipt date.

(7) The commission may require a utility to refile the tariff in its entirety should circumstances warrant it.

(8) If the commission issues an order directing a utility to refile all or a portion of its tariff, the utility must refile, marking each affected sheet with the docket number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-105, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-111 Substitute tariff filings.** (1) A utility may file substitute tariff sheets within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff sheet. This restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates contained in the pending tariff sheet; or

(c) The change is to make typographical corrections to the pending tariff sheet.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104. The substitute filing must include the notation "Do Not Redocket."

(3) The commission retains discretion to reject any substitute tariff sheets where doing so is in the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-111, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-112 Banded rate tariff filings.** (1) **Telecommunications companies not classified as competitive.** Telecommunications companies not classified as competitive may file banded rate tariffs. The filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers the cost of the service. Costs will be determined under a long-run incremental cost analysis, including, as part of the incremental cost, the price charged to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

(2) **Gas and electric companies.** Gas and electric companies may file banded rate tariffs for any nonresidential gas or electric service that is subject to effective competition from energy suppliers not regulated by the commission. When a gas or electric company files for a banded rate tariff, the filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers all costs resulting from providing the service and provides a contribution to fixed costs; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-112, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-121 Tariff changes with statutory notice.** (1) The commission must receive tariff changes not less than thirty days in advance of the requested effective date as required by RCW 80.28.060 and 80.36.110. Telecommunications companies not classified as competitive that meet the requirements of RCW 80.36.110(2) may file with ten days' notice to the commission.

(2) The statutory notice period begins on the date the commission receives the tariff filing, in accordance with WAC 480-80-031.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-121, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-122 Tariff changes with less than statutory notice.** (1) The commission may allow tariff changes to become effective with less than statutory notice (LSN) when the utility provides good cause. A utility filing for LSN

treatment may use an LSN form provided by the commission, or may submit a letter that includes the following:

(a) Utility information:

(i) Name and address of utility;

(ii) Telephone number, e-mail address, and fax number; and

(iii) Name of contact person for the filing.

(b) Tariff identification information:

(i) Number of the tariff being amended;

(ii) Title of the tariff item(s) being amended, if applicable; and

(iii) Number of the tariff sheet being amended.

(c) Concise description of the changes being proposed;

(d) Reason(s) for requesting LSN handling;

(e) Effective date requested; and

(f) If the utility does not include an authorizing signature on the tariff sheets, a statement certifying that the submitting person has authority to issue tariff changes on behalf of the utility.

(2) A utility requesting LSN must file tariff sheets with an effective date that reflects the required statutory notice period.

(3) If the LSN request is granted, the commission will issue an order directing that the tariff sheets be revised to reflect the authorized LSN effective date.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-122, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-123 Tariff changes that do not require statutory notice.** (1) A utility must file with the commission tariff changes that do not require statutory notice at least one day before the effective date.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104.

(3) Tariff changes that do not require statutory notice include:

(a) Initial tariffs filed by a newly regulated utility;

(b) A filing for a service not previously contained within a regulated utility's existing tariff;

(c) A tariff change that does not affect the public; and

(d) A change in a banded rate when notice to customers has been or will be given in accordance with tariff rules applicable to the service.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-123, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-124 Failure to provide statutory notice.** Except as provided under WAC 480-80-122, a tariff filing issued without the required statutory notice to the commission and the public has the same status as if the tariff filing had not been issued. A utility must give full statutory notice on any reissued tariff filing. The commission will promptly notify the utility in writing when a tariff filing is rejected for failure to provide statutory notice, but failure to notify the utility will not affect the status of the tariff filing.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-124, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-131 Withdrawing a tariff filing.** When withdrawing a filing, a utility must submit a letter that includes the following:

(1) The name and address of the utility;

(2) Docket number;

(3) Advice number, if applicable;

(4) The name of the contact person for the withdrawal;

(5) An explanation of why it is requesting the withdrawal; and

(6) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-131, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-132 Rejecting tariff changes.** The commission will reject any tariff change that reflects retroactive rate treatment. The commission may reject any tariff change that does not comply with commission rules.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-132, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-133 Tariff adoption notice.** (1) A utility must file a tariff adoption notice with the commission when either of the following changes affects an existing tariff:

(a) Transfer of the operating control or ownership; or

(b) Utility name change.

(2) The acquiring utility must file the tariff adoption notice if there is a change in ownership or operating control. The surviving utility must file the tariff adoption notice if there is a name change.

(3) Content of the tariff adoption notice must contain, at a minimum, the following:

> (Name of Utility) adopts and makes its own in every respect all tariffs, supplements and amendments filed with the Washington Utilities and Transportation Commission by (Name of Previous Utility or Prior Name of the Utility) prior to (Date).

(4) The tariff adoption notice may be made effective on one day's notice.

(5) In the event of a change in control or ownership, as described above, the utility adopting the tariff must file to incorporate the adopted tariff in its own tariff within sixty days of the date of the filing of the adoption notice. In the event of a name change the time limit is one year.

(6) Until the utility that adopted a tariff refiles the tariff in its own name, all changes after the adoption must include:

(a) The name of the utility whose tariff was adopted at the top of the sheet; and

(b) The name of the utility that adopted the tariff at the bottom of the sheet.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-133, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-134 Discontinuing a tariffed service or services.** When discontinuing a service or services, a utility must file to cancel the applicable tariff sheets in the same manner as required by tariff filing instructions set forth in

WAC 480-80-105. The commission will handle discontinuation filings in the same manner and in accordance with the same provisions governing all other tariff filings.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-134, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-141 Service contract.** (1) A utility may use service contracts when its tariff requires certain assurances from the customer for a specific service level such as a commitment to a minimum period of service.

(2) If the utility chooses to use service contracts, the utility must provide the commission with samples of the service contracts.

(a) Gas, electric, and water companies must provide the commission with samples of all service contracts currently in use.

(b) Telecommunications companies not classified as competitive must provide the commission with samples of current service contracts within five days after a request by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-141, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive.** (1) Contracts to be filed. Telecommunications companies not classified as competitive must file with the commission:

(a) All contracts for retail sale to end-use customers of intrastate telecommunications services not classified as competitive that:

(i) State rates, charges, prices, terms, or conditions that are not consistent with any existing tariff; or

(ii) Provide for telecommunications services not specifically addressed in the existing tariffs.

(b) Any significant modification of a previously executed contract will be treated as a new contract.

(c) A service order made pursuant to a filed contract is not itself a contract or contract amendment and need not be filed with the commission.

(2) Duration. All contracts must be for a stated time period.

(3) Ratemaking disclaimer. Unless otherwise provided by the commission, approval of contracts will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(4) Types of telecommunications contracts. The following types of telecommunications contracts have special or unique features, effective dates, and requirements:

(a) Federal, state, and local government "firm bid" contracts are governed under subsection (5) of this section.

(b) School, library, and rural health care (RHC) provider contracts entered into pursuant to 47 CFR, Part 54, are governed under subsection (6) of this section.

(c) All other retail contracts are governed under subsection (7) of this section.

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS

| Subsection | Contract Type | When to File | Effective Date |
|---|---|---|---|
| (5) | Federal, State, and Local Firm Bid | no later than fifteen days after acceptance | when filed or later as specified |
| (6) | 47 CFR Part 54; Schools, Libraries, and RHCs | no later than fifteen days after acceptance | when filed or later as specified |
| (7) | All other retail contracts | no later than thirty days prior to the proposed effective date | at least thirty days after filing |

(5) Federal, state, and local government "firm bid" contracts - filing requirements and effective dates. Where a government agency asserts its authority to solicit a firm offer of services, and a contract subject to this section is submitted in response to that solicitation, the noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(7) All other retail contracts - standard filing requirements and effective dates.

(a) Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract.

(b) Each application filed for commission approval of a contract must:

(i) Include a complete copy of the proposed contract;

(ii) Show that the contract meets the requirements of RCW 80.36.170 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate discrimination);

(iii) Demonstrate, at a minimum, that the contract charges cover the company's cost of providing the service. Costs will be determined under a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

(iv) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(v) Indicate the basis for using a contract rather than a filed tariff for the specific service involved.

(c) Contracts will become effective on the effective date stated on the contract or thirty days after the filing date,

whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(8) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates as "confidential" the essential terms and conditions will be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.36.150(1). Essential terms and conditions are:

(a) Nature, characteristics, and quantity of the service provided;

(b) Duration of the contract, including the stated effective date, ending date, and any options to renew;

(c) Charge(s) for service, including minimum charge provisions; and

(d) Geographic location(s), such as exchange or city, where service will be provided.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-142, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-143 Special contracts for gas, electric, and water companies.** (1) Contracts to be filed. Gas, electric, and water companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to the company's existing tariff; or

(b) Provide for utility services not specifically addressed in the gas, electric, or water company's existing tariffs.

(2) Any significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the gas, electric, or water company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such.

(4) Filing and effective dates. The contract will become effective on the effective date stated in the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the gas, electric, or water company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period, except for contracts for water line extensions. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to the expenses and revenues of the utility for subsequent rate-making considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

(a) Identity of the customer;

(b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;

(c) Duration of the contract, including any options to renew;

(d) Charge(s) for service, including minimum charge provisions;

(e) Geographic location where service will be provided; and

(f) Additional obligations specified in the contract, if any.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-143, filed 5/14/02, effective 6/17/02.]

## III. PRICE LISTS AND CONTRACTS: COMPETITIVE COMPANIES AND SERVICES

**WAC 480-80-201 Use of price lists.** (1) A competitive telecommunications company may file a price list instead of a tariff to offer any intrastate telecommunications service. A telecommunications company not classified as competitive may file a price list instead of a tariff to offer any intrastate telecommunications service that has been classified as competitive under RCW 80.36.330.

(2) A telecommunications company authorized to file a price list may file a tariff for a service. If a company elects to offer a competitive service by tariff, the company and the service will be subject to all rules and laws applicable to fully regulated services, and any waivers of rule or law otherwise applicable to competitive services or competitive companies will not apply.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-201, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-202 Interpretation and application of price lists.** (1) A price list is not a tariff and is not reviewed or approved by the commission at the time of filing. The commission will, when appropriate, investigate a price list or complain against a price list.

(2) If the commission determines that a telecommunications company's price list or other offer of service is ambiguous or conflicts with other offers, there is a rebuttable presumption that the conflict or ambiguity should be construed in favor of the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-202, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-203 Transmittal letter.** A telecommunications company must submit a transmittal letter with all price list and contract changes. The transmittal letter must:

(1) Identify all new price lists or contracts, or identify the price list or contract changes;

(2) Specify the changes requested in clear and concise terms and define any acronyms used;

(3) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change; and

(4) Describe the general effect of, and reasons for, price list or contract filings involving only text changes.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-203, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-204 Price lists format and content.** (1) A price list must include, for each service in the price list, a description of the service, any limitations, terms, or conditions on the offering of that service, and all rates, charges, or prices at which the service is offered.

(2) A price list must:

(a) Plainly state the places where the offered telecommunications service will be rendered;

(b) Include the effective date clearly marked on each page;

(c) Conform to all applicable laws, rules, and orders. The filing of a nonconforming price list will not be deemed a waiver of the law, rule, or order. A company may not enforce a price list provision that conflicts with a law, rule, or order unless the commission waives that law, rule, or order.

(3) A price list of a competitive telecommunications company may state the rates, charges, or prices as maximum amounts rather than as specific prices.

(4) A price list of a telecommunications company not classified as competitive offering a service classified as competitive under RCW 80.36.330 may state the rates, charges, or prices as maximum and minimum amounts rather than as specific prices. The minimum price must comply with the cost requirement in subsection (6) of this section.

(5) A transmittal letter must accompany a price list change in compliance with the provisions of WAC 480-80-203.

(6) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-204, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-205 Effective date of price list filings.** (1) Any new price list or price list change becomes effective on the later of:

(a) The effective date stated in the price list;

(b) Ten days after it is filed with the commission, as required by RCW 80.36.320(2) and 80.36.330(2); or

(c) Ten days after any existing customers are provided actual notice of the change in accordance with WAC 480-120-196.

(2) This section does not apply to the filing of initial price lists as a part of an application for registration and competitive classification under chapter 480-121 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-205, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-206 Price list availability to customers.** (1) Each telecommunications company offering service under a price list must maintain a complete copy of the price list on a website accessible to the public using standard web browser software.

(2) Each telecommunications company offering service under a price list must provide to any customer making a written or oral request a copy of the price list sheets applicable to that customer's service. The telecommunications company must provide the price list at no charge to the customer. This subsection does not apply if the telecommunications company makes available for public inspection, at a location within the customer's exchange, a complete copy of the price list.

(3) Each telecommunications company offering service under a price list must include in each customer bill or notice:

(a) The Internet address (uniform resource locator) of the website containing its price list; and

(b) The toll-free telephone number to use in requesting price list copies and a statement that there is no charge for the price list copy. If a company is not required by subsection (2) of this section to provide price list copies, it must instead provide the address, telephone number, and business hours of the location within the customer's exchange at which a complete copy of the price list is available for public inspection.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-206, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-241 Filing contracts for services classified as competitive.** (1) This section applies to services offered by competitive telecommunications companies and to any service classified as competitive under RCW 80.36.330. However, if a telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a competitive ser-

vice by tariff, the contract rules in WAC 480-80-142 applicable to tariffed services apply instead.

(2) A telecommunications company must file with the commission any contract with an end-user for retail intrastate telecommunications service if the service is not included in its price list or the contract contains prices, terms, or conditions other than those in its price list. A telecommunications company is not required to file a contract with prices below the maximum prices in the price list, as provided for in WAC 480-80-204(3), or within the maximum and minimum prices in the price list, as provided for in WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

(3) Any significant modification to a previously executed contract is a new contract and must be filed as required by this section.

(4) Unless the contract includes a provision allowing the commission to reject it during the first fifteen days after it is filed, any contract required by subsection (2) of this section to be filed with the commission will become effective on the later of (a) its stated effective date or (b) ten days after it is filed with the commission. The deadline for filing a contract that provides for commission rejection within fifteen days of filing is fifteen days after its stated effective date.

(5) A telecommunications company may submit filings under this section with portions designated "confidential" pursuant to WAC 480-09-015. However, the commission will reject any filing that designates as "confidential" the essential terms and conditions of a contract as defined in WAC 480-80-142(8).

(6) A telecommunications company filing a contract for a service classified as competitive under RCW 80.36.330 must provide information demonstrating that the contract prices comply with the cost requirement in WAC 480-80-204(6).

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-241, filed 5/14/02, effective 6/17/02.]

**WAC 480-80-242 Using contracts for services classified as competitive.** (1) If a competitive telecommunications company or a company offering a service classified as competitive makes an offer of service at prices, terms, or conditions other than those in its price list, and the customer accepts that offer, the company must provide the service at prices, terms, and conditions consistent with the offer. Except as provided in WAC 480-80-241, the company must file with the commission either a price list change or a customer contract setting out the alternative prices, terms, and conditions.

(2) All contracts will be for a stated time period.

(3) A contract will be enforceable by the contracting parties according to its terms even if the telecommunications company fails to file the contract where required by WAC 480-80-241.

(4) Any contract for a service classified as competitive under RCW 80.36.330 must comply with the cost requirement in WAC 480-80-204(6).

(5) A contract must not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately (see WAC 480-80-142).

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-242, filed 5/14/02, effective 6/17/02.]

# Chapter 480-90 WAC
# GAS COMPANIES—OPERATIONS

WAC

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

480-90-010 Application of rules. [Order R-5, § 480-90-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-011.

480-90-011 Application of rules. [Order R-27, § 480-90-011, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-016 Saving clause. [Order R-27, § 480-90-016, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-020 Saving clause. [Order R-5, § 480-90-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-016.

480-90-021 Glossary. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-021, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-021, filed 11/15/84; Order R-27, § 480-90-021, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-026 Tariffs. [Order R-27, § 480-90-026, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-030 Definitions of terms as used in these rules. [Order R-5, § 480-90-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-021.

480-90-031 Accounting. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-90-031, filed 12/15/89, effective 1/15/90; 89-12-070 (Order R-302, Docket No. U-89-2641-R), § 480-90-031, filed 6/7/89; Order R-27, § 480-90-031, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-90-032, filed 2/5/86.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-036 Finance—Securities, affiliated interests, transfers of property. [Order R-27, § 480-90-036, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-040 Statement of test procedures. [Order R-5, § 480-90-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-166.

480-90-041 Availability of information. [Order R-83, § 480-90-041, filed 6/30/76; Order R-27, § 480-90-041, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-043 Advertising. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-043, filed 12/23/80.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-046 Application for service. [Order R-27, § 480-90-046, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-050 Tariffs. [Order R-5, § 480-90-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-026.

480-90-051 Establishment of credit. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-051, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-051, filed 11/12/87; 86-07-031 (Order R-255, Cause No. U-85-80), § 480-90-051, filed 3/14/86; Order R-83, § 480-90-051, filed 6/30/76; Order R-27, § 480-90-051, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-056 Refusal of service. [Order R-27, § 480-90-056, filed 7/15/71.] Repealed by 01-24-077 (General Order No. R-496, Docket No. UG-990294), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-060 Classification of accounts. [Order R-5, § 480-90-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-061 Contract for service. [Order R-27, § 480-90-061, filed 7/15/71.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-90-066 Distribution extensions. [Order R-27, § 480-90-066, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-070 Annual reports. [Order R-5, § 480-90-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-071 Discontinuance of service. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-071, filed 12/13/94, effective 1/13/95; 89-17-034 (Order R-305, Docket No. U-89-2707-R), § 480-90-071, filed 8/9/89, effective 9/9/89; 88-07-070 (Order R-284, Cause No. U-87-1525-R) § 480-90-071, filed 3/18/88; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-071, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-071, filed 11/15/84. Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-071, filed 12/23/80; Order R-83, § 480-90-071, filed 6/30/76; Order R-27, § 480-90-071, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-072 Payment arrangements and responsibilities. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-072, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-072, filed 11/15/84.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-076 Service responsibilities. [Order R-27, § 480-90-076, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-080 Information available. [Order R-5, § 480-90-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-041.

480-90-081 Service connections. [Order R-27, § 480-90-081, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-086 Service entrance. [Order R-27, § 480-90-086, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-090 Complaints. [Order R-5, § 480-90-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-091 Access to premises. [Order R-27, § 480-90-091, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-096 Complaints and disputes. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-096, filed 12/13/94, effective 1/13/95; Order R-83, § 480-90-096, filed 6/30/76; Order R-27, § 480-90-096, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-100 Record of complaints. [Order R-5, § 480-90-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-101 Quality of gas. [Order R-27, § 480-90-101, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-106 Form of bills. [Order R-83, § 480-90-106, filed 6/30/76; Order R-27, § 480-90-106, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-110 Filing of records and reports. [Order R-5, § 480-90-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-181.

480-90-111 Dispute as to billing. [Order R-27, § 480-90-111, filed 7/15/71.] Repealed by Order R-83, filed 6/30/76.

480-90-116 Refunds for inaccurate metering. [Order R-27, § 480-90-116, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-120 Identification of employees. [Order R-5, § 480-90-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-121 Responsibility for delinquent accounts. [Order R-27, § 480-90-121, filed 7/15/71.] Repealed by 01-24-077 (General Order No. R-496, Docket No. UG-990294), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-126 Meter reading. [Order R-27, § 480-90-126, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-130 Application for service. [Order R-5, § 480-90-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-046.

480-90-131 Installation of meter set assembly (MSA). [Order R-27, § 480-90-131, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-136 Location of meter set assembly. [Order R-27, § 480-90-136, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-140 Contract for service. [Order R-5, § 480-90-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-061.

480-90-141 Identification of meters. [Order R-27, § 480-90-141, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-146 Initial accuracy of meters. [Order R-27, § 480-90-146, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-150 Deposits. [Order R-5, § 480-90-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-051.

480-90-151 Metering tolerance. [Order R-27, § 480-90-151, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-156 Dispute as to meter accuracy. [Order R-27, § 480-90-156, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-160 Discontinuance of service by customer. [Order R-5, § 480-90-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-161 Complaint meter test. [Order R-27, § 480-90-161, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-166 Statement of meter test procedures. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-166, filed 12/13/94, effective 1/13/95; Order R-27, § 480-90-166, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-170 Discontinuance of service by utility. [Order R-5, § 480-90-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-171 Frequency of periodic meter tests. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-171, filed 12/13/94, effective 1/13/95; Order R-27, § 480-90-171, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-176 Meter history records. [Order R-27, § 480-90-176, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-180 Responsibility for delinquent accounts. [Order R-5, § 480-90-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-121.

480-90-181 Filing of records and reports and the preservation of records. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-181, filed 12/13/94, effective 1/13/95; Order R-64, § 480-90-181, filed 2/13/74; Order R-27, § 480-90-181, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-190 Refusal of service. [Order R-5, § 480-90-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-056.

480-90-191 Least cost planning. [Statutory Authority: RCW 80.01.040. 87-21-031 (Order R-274, Cause No. U-86-142), § 480-90-191, filed 10/12/87.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-200 Quality of gas. [Order R-5, § 480-90-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-101.

480-90-201 Prohibited fixtures. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-201, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-206 Exemptions fixtures. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-206, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-210 Character of service. [Order R-5, § 480-90-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-211 Business offices and payment agencies. [Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-211, filed 12/13/94, effective 1/13/95.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-90-216 Prohibited service. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-216, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-220 Change in character of service. [Order R-5, § 480-90-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-221 Exemptions—Prohibited service—Lighting of historical significance. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-221, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-226 Exemptions—Prohibited service—Memorial lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-226, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-230 Pressure variation. [Order R-5, § 480-90-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-231 Exemptions—Prohibited service—Commercial lighting of a traditional nature. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-231, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-231, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-240 Changes in use. [Order R-5, § 480-90-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-241 Exemptions—Prohibited service—Safety of persons and property. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-241, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-241, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-246 Exemptions—Prohibited service—Substantial expense and not cost justified. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-246, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-246, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-250 Adequacy and continuity of service. [Order R-5, § 480-90-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-251 Exemptions—Prohibited service—Public interest. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-251, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-256 Exemptions—Stays. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-256, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-260 Distribution extensions. [Order R-5, § 480-90-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-066.

480-90-261 Temporary exemption—Time to install substitute lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-261, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-266 Utility to notify customer. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-266, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-270 Service connections. [Order R-5, § 480-90-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-081.

480-90-271 Petitions for exemption. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-271, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-276 Action for failure to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-276, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-280 Service entrance. [Order R-5, § 480-90-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-086.

480-90-281 Procedure for unknown prohibited use. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-281, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-286 Failure of utility to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-286, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-290 Access to premises. [Order R-5, § 480-90-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-300 Forms of bills. [Order R-5, § 480-90-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.

480-90-310 Dispute as to bills. [Order R-5, § 480-90-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-111.

480-90-320 Location of meter and regulator. [Order R-5, § 480-90-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-136.

480-90-330 Installation of meters. [Order R-5, § 480-90-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-131.

480-90-340 Meter reading. [Order R-5, § 480-90-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-126.

480-90-350 Determination of maximum demand. [Order R-5, § 480-90-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.

480-90-360 Initial accuracy of meters. [Order R-5, § 480-90-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.

480-90-370 Permissible error. [Order R-5, § 480-90-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-151.

480-90-380 Method of testing. [Order R-5, § 480-90-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-390 Frequency of periodic tests. [Order R-5, § 480-90-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-171.

480-90-400 Meter history records. [Order R-5, § 480-90-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-176.

480-90-410 Dispute as to accuracy of meters. [Order R-5, § 480-90-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-156.

480-90-420 Free complaint meter test. [Order R-5, § 480-90-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.

480-90-430 Fee for extra-complaint meter tests. [Order R-5, § 480-90-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.

480-90-440 Identification of meters. [Order R-5, § 480-90-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-140.

480-90-450 Complaint reports. [Order R-5, § 480-90-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-460 Refunds for inaccurate metering. [Order R-5, § 480-90-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-116.

480-90-470 Meter seals. [Order R-5, § 480-90-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.

480-90-480 Reports of accidents. [Order R-5, § 480-90-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

## PART 1—GENERAL RULES

**WAC 480-90-001 Purpose.** The legislature has declared that operating as a gas utility in the state of Washington is a business affected with the public interest and that

such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Gas standards and metering.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-001, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-003 Application of rules.** (1) The rules in this chapter apply to any gas utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-90-008, Exemption from rules in chapter 480-90 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleadings and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-003, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC.** (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-008, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-013 Additional requirements.** (1) These rules do not relieve any gas utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any gas utility in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.10.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-013, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-018 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-018, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-023 Definitions. "Applicant"** means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

**"British thermal unit"** (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

**"Business day"** means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

**"Commission"** means the Washington utilities and transportation commission.

**"Customer"** means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

**"Cubic foot of gas"** means a volumetric unit of measure used in sales and testing.

"Sales volume" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

**"Gas"** means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Liquefied petroleum gas" means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

**"Therm"** means a unit of heat equal to 100,000 Btus.

**"Gas utility"** (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owns, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-023, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-028 Tariffs and special contracts.** A gas utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.10.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-028, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-033 Distribution line extension tariff.** Each gas utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-033, filed 5/3/01, effective 6/3/01.]

## PART 2—CONSUMER RULES

**WAC 480-90-103 Information to consumers.** (1) Each gas utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

(a) A copy of the consumer brochure described in subsection (3) of this section;

(b) A copy of the customer's applicable rate information;

(c) A copy of the gas rules, chapter 480-90 WAC; and

(d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and the same billing month of the previous year, if available, either on the customers' bills or upon request as follows:

(a) Number of days in billing period;

(b) Therms used; and

(c) Average therms used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-103, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-108 Application for service.** (1) When an applicant orders service from a gas utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

(a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;

(b) The date the service is requested to be effective;

(c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to chose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing and service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) Under no circumstances will gas be remetered or submetered by a customer for resale to another or others.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-108, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-113 Residential service deposit requirements.** (1) **Deposit criteria for residential customers.** A gas utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past-due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another natural gas utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past-due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor must be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-90-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can quickly and easily be checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** A utility must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) 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) A credit applied to the customer's account for service beginning in the thirteenth month.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-90-113, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-113, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-118 Nonresidential services deposit requirements.** (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-90-118, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 80.10.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-118, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-123 Refusal of service.** (1) A gas utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or accepted natural gas industry standards;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable

judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-90-128(2), disconnection of service.

(2) A gas utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(3) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(4) The utility may refuse to provide new or additional service for reasons not expressed in subsection (1) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(5) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC 480-09-150, Informal complaints; or a formal complaint under WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-24-077 (General Order No. R-496, Docket No. UG-990294), § 480-90-123, filed 12/3/01, effective 1/3/02.]

**WAC 480-90-128 Disconnection of service.** (1) **Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

(2) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility;

(3) **Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated gas service (or, for regulated gas and regulated electric service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143, Winter low-income payment program;

(b) For use of gas for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow utility representatives access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Gas service may not be disconnected for amounts that may be owed the utility for nonregulated services.

(5) **Medical emergencies.** When the utility 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. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition 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 utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of 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) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(6) **Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment arrangements, and WAC 480-90-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owed for regulated natural gas service and, if applicable, regulated electric service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice. The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnec-

tion date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice. The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required in (d) of this subsection.

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) 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 utility must undertake reasonable efforts to inform the 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, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children, or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be a third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the util-

ity constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** 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 utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-133 Reconnecting service after disconnection.** (1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) The commission may require reconnection pending resolution of a bona fide dispute between the utility and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-133, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-138 Payment arrangements.** (1) If a gas utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines that the customer used service prior to applying for service as outlined in WAC 480-90-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer an equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned.

(3) The utility must provide a receipt to customers for all payments made in cash.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-138, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-143 Winter low-income payment program.** (1) During the winter months, between November 15th and March 15th, a gas utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development, or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector

organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-90-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-090-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date that service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-143, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-148 Service responsibility.** (1) **Customer responsibility.** The customer must notify the gas utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Gas utility responsibilities.**

(a) Each gas utility must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Each gas utility must promptly notify all affected customers of any substantial change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service, or when the change is required by law, the customer must bear all costs in connection with making such changes;

(c) Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter, and/or regulator in cases of a high pressure system. The standard pressure adopted must be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system; and

(d) Each gas utility must maintain its gas system in a condition that enables it to furnish safe, adequate, and efficient service.

(3) **Interruption of service.** The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule. The gas utility must make all reasonable efforts to avoid interruption of service and, if an interruption occurs, must endeavor to reestablish service with the shortest possible delay. When it is necessary for a utility to make repairs or to change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers.

The gas utility must notify all customers affected by a scheduled interruption through newspapers, radio announcements, or by other means, at least one day in advance of the scheduled interruption.

The utility must individually notify police and fire departments affected by an interruption of service.

(4) **Record of interruptions.** Each gas utility must keep a record of all interruptions of service affecting twenty-five or more customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-148, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-153 Disclosure of private information.** (1) A gas utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to

by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-20-059 (Docket No. UG-990294, General Order No. R-488), § 480-90-153, filed 9/28/01, effective 10/29/01.]

**WAC 480-90-158 Service connections.** (1) The gas utility must furnish, install, and maintain piping and other fittings to the customer's piping up to the point of delivery. The point of delivery is at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.

(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point of delivery will become the property of the utility, which must accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-158, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-163 Service entrance facilities.** A gas utility may require customers to:

(1) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(2) To comply with reasonable requirements to keep those facilities free from tampering or interference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-163, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-168 Access to premises; identification.** (1) Authorized representatives of a gas utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of gas utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-168, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-173 Gas utility's responsibility for complaints and disputes.** (1) When a gas utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

(b) Investigate the complaint promptly as required by the particular case;

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

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

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each gas utility must keep a record of all complaints for at least three years and, upon 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;

(d) The final result; and

(e) All official documents regarding the complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-173, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-178 Billing requirements and payment date.** (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for

delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of therms used;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-178, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-183 Complaint meter tests.** (1) A gas utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under of WAC 480-90-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-90-338, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-338, Metering tolerance.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-90-338, Metering tolerance, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-90-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-183, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-188 Payment locations.** (1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days' notice, written or electronic notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

(a) The communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and facility locations available for payment of cash or urgent payments; and

(d) A listing of other methods and locations for obtaining business office and customer service center services.

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-188, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-193 Posting of tariffs for public inspection and review.** Each gas utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-193, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-90-193, filed 4/4/01, effective 5/5/01.]

**WAC 480-90-194 Publication of proposed tariff changes to increase charges or restrict access to services.** Each gas utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring charges, except purchased gas adjustment (PGA) filings as provided in subsection (5) of this section, or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-90-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-90-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the utility offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical gas customer using an average of eighty therms per month would see an average monthly increase of $2.74.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(5) **Optional method of publication for purchase gas adjustment (PGA).** A utility that publishes notice of a PGA filing pursuant to this subsection is not required to publish notice of the filing pursuant to subsection (1), (2), or (3) of this section.

(a) The utility must provide notice to affected customers before and after final commission disposition. Notice before commission disposition is to educate customers of a potential increase in natural gas prices. Notice after commission disposition is to inform customers of the new rates.

(b) Prior PGA notice. The notice must:

(i) Clearly define what a PGA is and explain how it works;

(ii) State whether the utility expects an increase or decrease in the upcoming filing; and

(iii) Include a utility contact phone number for additional information.

(c) The utility must mail the notice to each affected customer. The utility must also send the notice or a press release about the increase to every daily paper within its service territory.

(d) A newsletter, bill insert, bill message, or separate mailing to customers is permitted for prior notice.

(e) Customer notice after final commission disposition must be provided pursuant to WAC 480-90-195.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-194, filed 5/14/02, effective 6/17/02.]

**WAC 480-90-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.** (1) This section applies to tariff changes for other than those that are subject to WAC 480-90-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-90-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-195, filed 5/14/02, effective 6/17/02.]

**WAC 480-90-197 Adjudicative proceedings where public testimony will be taken.** (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-90-194(4), except the public involvement information in WAC 480-90-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-197, filed 5/14/02, effective 6/17/02.]

**WAC 480-90-198 Notice verification and assistance.** (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-90-194, 480-90-195, or 480-90-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-90-193 through 480-90-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-198, filed 5/14/02, effective 6/17/02.]

**WAC 480-90-199 Other customer notice.** The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-199, filed 5/14/02, effective 6/17/02.]

## PART 3—FINANCIAL RECORDS AND REPORTING RULES

**WAC 480-90-203 Accounting system requirements.** (1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor gas utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations, Part 201. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(2) Gas utilities having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-203, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-203, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-208 Financial reporting requirements.** (1) **Annual reports.**

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) **Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal tempera-

ture and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-208, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-208, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-213 Expenditures for political or legislative activities.** (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-213, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-218 Securities, affiliated interests, and transfers of property.** (1) Before a gas utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before a gas utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, a gas utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-218, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-223 Advertising.** (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of a gas utility, to select or install any appliance or equipment designed to use the gas utility's service, or to influence consumers' opinions of the gas utility.

The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(2) As used in this section the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with the gas utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

(g) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-223, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-228 Retention and preservation of records and reports.** (1) Each gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-228, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-233 Purchased gas adjustment.** (1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.

(2) A gas utility must include its PGA procedures in its tariff.

(3) A gas utility must make a PGA filing within a maximum of fifteen months since the effective date of the utility's last PGA. If the utility believes that a PGA filing is unnecessary within this time frame, then it must file supporting documents within thirteen months after the effective date of its last PGA demonstrating why a rate change is not necessary.

(4) A gas utility must accrue interest, compounded monthly, on deferred gas cost balances which accrue subsequent to the effective date of this rule at the previous quarter's average prime interest rate calculated as follows: The arithmetic mean of the prime rate values published in the Federal Reserve Bulletin for the fourth, third, and second months preceding the first month of the calendar quarter (also known as the "FERC interest rate").

(5) A gas utility must file a monthly report of the activity in account 191, Unrecovered purchased gas costs, for Washington within thirty days after the end of each month. The report must show the beginning balance, monthly entry and ending balances for each Washington subaccount included in account 191, Unrecovered purchased gas costs. PGA incentive amounts must be shown separately.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-233, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-238 Least cost planning.** (1) Purpose and process. Each gas utility regulated by the commission has the responsibility to meet system demand at the least cost to the utility and its ratepayers. Therefore, a "least cost plan" must be developed by each gas utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public is required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the strategies for purchasing gas and improving the efficiencies of gas use that will meet current and future needs at the lowest cost to the utility and its ratepayers consistent with needs for security of supply.

(3) Each gas utility must submit to the commission on a biennial basis a least cost plan that must include:

(a) A range of forecasts of future gas demand in firm and interruptible markets for each customer class for one, five, and twenty years using methods that examine the impact of economic forces on the consumption of gas and that address changes in the number, type, and efficiency of gas end-uses.

(b) An assessment for each customer class of the technically feasible improvements in the efficient use of gas, including load management, as well as the policies and programs needed to obtain the efficiency improvements.

(c) An analysis for each customer class of gas supply options, including:

(i) A projection of spot market versus long-term purchases for both firm and interruptible markets;

(ii) An evaluation of the opportunities for using company-owned or contracted storage or production;

(iii) An analysis of prospects for company participation in a gas futures market; and

(iv) An assessment of opportunities for access to multiple pipeline suppliers or direct purchases from producers.

(d) A comparative evaluation of gas purchasing options and improvements in the efficient use of gas based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the strategies designed to meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan must include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings before the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-238, filed 5/3/01, effective 6/3/01.]

## PART 4—GAS METERING AND STANDARDS RULES

**WAC 480-90-303 Heating value of gas.** (1) A gas utility must state in its tariff the minimum heating value of gas delivered to customers. The minimum heating value of the gas must be sufficient to operate an appliance uniformly.

(2) **Testing equipment.** If a gas utility provides and maintains its own gas calorimeter, the calorimeter and accessories must be installed in a suitable area. The calorimeter and its location and accuracy must be approved by the commission.

(3) If a gas utility does not maintain its own gas calorimeter, the utility's supplier must provide the calorimetric results to the commission on request.

(4) A gas utility may use a caloroptic indicator to determine the heat value when a mixture of liquified petroleum gas and air is used.

(5) **Testing requirements.** Each gas utility must take at least one daily heat value test of the gas supplied to its customers.

(6) The total heating value must be stated in British thermal units per cubic foot.

(7) The average daily heating values must be determined by taking the average of all daily heating values measured throughout the day. The average monthly heating value must be the average of all daily average values for the calendar month.

(8) For billing purposes, the gas utility may apply the average heating value for a given month to the following month provided the procedure is written in the utility's tariff.

(9) **Testing records.** Each gas utility must keep complete records of each heat value test. These records must be accessible to the commission and its authorized representatives.

(10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to commission approval. Each form must be retained as a record for at least two years at the station where the tests were made.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-303, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-308 Meter readings.** A meter is required to record or indicate the volume of gas taken, measured in units of cubic feet or other volumetric unit. The gas utility, upon request, must supply the customer with all variables and formulas to enable the customer to compute billable units, typically therms.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-308, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-313 Meter charges.** (1) A gas utility will make no charge for furnishing and installing a meter required to determine the customer's usage for billing of gas service in accordance with the utility's filed tariff. The utility may charge for additional meters or metering equipment requested by the customer or required by the utility's tariff for services beyond determining the customer's bill.

(2) A meter will not be required on flat-rate service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-313, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-323 Meter set assembly location.** (1) The customer must furnish a convenient and unobstructed location to install the meter set assembly that is acceptable to the gas utility.

(2) A meter set assembly may include a meter, regulator, valve, and adjacent components. The meter set assembly must be accessible to the utility to read, inspect, repair, test, and make changes.

(3) Residential and commercial meter set assemblies should be installed outside at the building wall. All meter set assemblies should be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings. When it becomes necessary to locate meters away from the building wall or inside buildings, the gas utility must keep a record of these meter set assemblies, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

(4) The meter set assembly must be protected with a protective barrier whenever damage by vehicles or marine traffic is likely to occur.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-323, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-328 Meter identification.** Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, along with the utility's name or initials. Utilities must update the name or initials on its meters within three years of a name change.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-328, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-333 Initial accuracy of meters.** (1) Each meter must be in good mechanical shape and adjusted to read as accurately as practical before being placed in service. Meters are required to be free of leaks and deliver gas without noticeable fluctuation due to mechanical operation of the meter.

(2) The gas utility must seal all meters in service or use a sealing method acceptable to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-333, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-338 Metering tolerance.** A meter must not deviate more than two percent fast or slow at each test rate.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-338, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-343 Statement of meter test procedures.** (1) The gas utility must include a statement in its tariff describing its practice under these rules covering:

(a) The description of test methods used and frequency of tests for determining the meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures;

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(iii) The corrective action and time period that will be implemented; and

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(b) The description of meter testing equipment and accuracy determination methods.

(c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.

(d) The testing and adjustment program of meters prior to installation and periodic tests after installation.

(2) If a gas utility changes any portion of the meter test procedure, a revised tariff must be submitted.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-343, filed 5/3/01, effective 6/3/01.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 480-90-348 Frequency of periodic meter tests.** (1) The minimum periodic test interval for gas meters, other than orifice meters, is as follows:

(a) Meters with capacity up to three thousand cubic feet per hour - every ten years;

(b) Meters with capacity three thousand cubic feet per hour and over - every five years.

(2) The minimum periodic test interval for orifice meters is as follows:

(a) Differential gauges - at least once each three months;

(b) Orifice plate - at least once each year.

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval as provided for under WAC 480-90-343, Statement of meter test procedures.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-348, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-353 Meter history records.** (1) Gas utilities must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter, plus three months. The forms of such records are subject to commission approval and must contain the following information, at a minimum:

(a) The date of purchase;

(b) Gas utility's identification number;

(c) Type, model, or series of meter; and

(d) Current meter location.

(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through service, removal and "in proof test," plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

(a) Date and nature of repairs;

(b) Date and results of the "out proof test";

(c) Date and results of the "in proof test";

(d) Date, location, and index reading when placed in service;

(e) Date, location, and index reading when removed from service; and

(f) Date, complainant's name and address, and results of any complaint test(s) made while the meter was in service.

(3) Overhauled meters that meet new meter standards may be retired and reenter the system as new meters.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-353, filed 5/3/01, effective 6/3/01.]

## PART 5—ADOPTION BY REFERENCE

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-999, filed 5/3/01, effective 6/3/01.]

## 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


480-93-002 Application of rules.
480-93-005 Definitions.
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480-93-015 Odorization of gas.
480-93-017 Design, specification, and construction procedures.
480-93-018 Maps, drawings, and records of gas facilities.
480-93-020 Proximity considerations.
480-93-030 Proscribed areas.
480-93-040 Location of compressor stations on gas pipelines.
480-93-080 Welder identification and qualification certificates.
480-93-082 Qualification of employees.
480-93-100 Automatic valves.
480-93-110 Corrosion control.
480-93-111 Noncathodically protected gas facilities.
480-93-112 Corrosive condition investigation.
480-93-115 Casing of pipelines.
480-93-120 Exposed pipelines.
480-93-124 Pipeline markers.
480-93-130 Multistage pressure regulation.
480-93-140 Meter regulators.
480-93-150 Station maintenance.
480-93-155 Increasing maximum operating pressure.
480-93-160 Reports of proposed construction.
480-93-170 Tests and reports thereof for pipelines.
480-93-175 Moving and lowering gas pipelines.
480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements.
480-93-183 Pipeline and system pressure reporting.
480-93-184 Gas leak responsibility.
480-93-185 Gas leak investigation.
480-93-186 Leakage classification and action criteria.
480-93-18601 Table 1—Leak classification and action criteria—Grade—Definition—Priority of leak repair—Examples.
480-93-187 Records and self audit.
480-93-188 Gas leak surveys.
480-93-190 Being aware of construction work near gas company facilities.
480-93-200 Reports associated with gas company facilities and operations.
480-93-210 Interruptions to service.
480-93-220 Rule of precedence.
480-93-223 Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder—Maximum amount.
480-93-230 Modification/waivers.
480-93-240 Annual pipeline safety fee methodology.
480-93-999 Adoption by reference.


### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-93-001 Definitions. [Order R-28, § 480-93-001, filed 7/15/71.] Repealed by Order R-98, filed 5/18/77. Later promulgation, see WAC 480-93-005.

480-93-050 Pipelines and mains under or along highways and railroads. [Order R-5, § 480-93-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-060 Minimum cover and clearances. [Order R-5, § 480-93-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-070 Welding inspection. [Order R-5, § 480-93-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-090 Bends. [Order R-5, § 480-93-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

**WAC 480-93-002 Application of rules.** These rules shall apply to every gas company, as that term is defined by WAC 480-93-005, and shall apply to the construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state, except those gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-002, filed 8/5/92, effective 9/5/92; Order R-99, § 480-93-002, filed 5/18/77.]

**WAC 480-93-005 Definitions.** (1) **Bar hole** - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **Building** - any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.

(3) **Combustible gas indicator (CGI)** - a device capable of detecting and measuring gas concentrations of the gas being transported.

(4) **Confined space** - any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(5) **Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas** - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures** - those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company** - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line** - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication** - a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.** - the lower explosive limit of the gas being transported.

(12) **Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system** - a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure** - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(15) **Prompt action** - shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) **Reading** - a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) **Service line** - a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) **Transmission line** - a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3 on the date specified in WAC 480-93-999.

(19) **Tunnel** - a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-005, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 80.28.210. 95-13-082 (Order R-427, Docket No. UG-950061), § 480-93-005, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-005, filed 8/5/92, effective 9/5/92; Order R-100, § 480-93-005, filed 5/18/77. Formerly WAC 480-93-001.]

**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 the date specified in WAC 480-93-999. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-010, filed 9/28/01, effective 10/29/01. 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.]

**WAC 480-93-015 Odorization of gas.** All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-015, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-015, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-017 Design, specification, and construction procedures.** The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction plans which do not conform with a gas company's existing and accepted design, specification, and construction procedures on file with the commission, must be submitted to the com-

mission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-017, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-018 Maps, drawings, and records of gas facilities.** All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically-protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-018, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-020 Proximity considerations.** Gas facilities having a maximum operating pressure greater than five hundred psig shall not be operated within five hundred feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential or commercial prior to the date authorization for construction is filed with the commission;

(3) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve-month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and

(4) A public highway, as defined in RCW 81.80.010(3).

In requesting prior written authorization of the commission, the petitioning gas company shall certify that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-020, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-020, filed 7/15/71; Order R-5, § 480-93-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-030 Proscribed areas.** Gas facilities having a maximum operating pressure between two hundred fifty-one psig and four hundred ninety-nine psig shall not be operated within 100 feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations; and

(2) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly which is occupied by twenty or more people, sixty days in any twelve-month period, which is in existence or under construction prior to the date authorization for construction is filed with the commission.

The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to the places listed above that are within one hundred feet of the pipeline right of way.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-030, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-030, filed 7/15/71; Order R-5, § 480-93-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-040 Location of compressor stations on gas pipelines.** No compressor station to be located on any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet.

[Order R-28, § 480-93-040, filed 7/15/71; Order R-5, § 480-93-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-080 Welder identification and qualification certificates.** Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority.

[Order R-28, § 480-93-080, filed 7/15/71; Order R-5, § 480-93-080, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-082 Qualification of employees.** Every gas company that operates a gas facility in this state shall have one or more employees working in this state that are collectively knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations. Every gas company shall prepare, maintain, and provide to the commission, upon

request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of personnel qualified by training and experience, in a company-certified, company-sponsored training program, may satisfy the requirements of this section.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-082, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-100 Automatic valves.** Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation.

[Order R-28, § 480-93-100, filed 7/15/71; Order R-5, § 480-93-100, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-110 Corrosion control.** Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-110, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-110, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-110, filed 7/15/71; Order R-5, § 480-93-110, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-111 Noncathodically protected gas facilities.** Every gas company that has metallic gas facilities which are not now, or have never been, under cathodic protection or are not under adequate cathodic protection, shall semiannually provide to the commission, upon request, drawings which show the location of such facilities, and a description of their size and material. The drawings and associated documentation will indicate the approximate date by which cathodic protection will be applied or the facilities will be replaced. If the gas company can prove, through electrical test data and other means, that the gas facilities are not in a corrosive environment, then neither cathodic protection nor replacement will be required.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-111, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-112 Corrosive condition investigation.** Whenever a gas company finds the presence of active corrosion; that the surface of the gas facility is generally pitted; or that corrosion has caused a leak, the company shall investigate further to determine the extent of the corrosion. Within ninety days after the discovery of a corrosive situation, action shall be taken to correct any unsafe condition. The company shall record the condition of all underground gas facilities each time such facility is exposed and retain those records for the life of that facility.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-112, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-115 Casing of pipelines.** Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-115, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-120 Exposed pipelines.** Proper warning signs shall be placed and other adequate protective measures taken at any point where gas pipelines and any associated equipment and facilities are exposed, and where their location presents an unusually hazardous situation. All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs which are reported damaged and missing shall be replaced promptly.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-120, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-120, filed 7/15/71; Order R-5, § 480-93-120, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-124 Pipeline markers.** All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off-set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49

CFR, Part 192.707(b). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-124, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-124, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-130 Multistage pressure regulation.** Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be provided between regulator systems when practical to do so.

[Order R-28, § 480-93-130, filed 7/15/71; Order R-5, § 480-93-130, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-140 Meter regulators.** Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut-off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut-off valves, if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut-off valves are not required or appropriate for safe operation.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-140, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-140, filed 7/15/71; Order R-5, § 480-93-140, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-150 Station maintenance.** All gas piping or other gas equipment in regulator and other stations no longer essential to the company's operation shall be removed to minimize hazards.

[Order R-28, § 480-93-150, filed 7/15/71; Order R-5, § 480-93-150, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-155 Increasing maximum operating pressure.** Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

(1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;

(2) Original design and construction standards;

(3) All previous operating pressures and length of time at that pressure;

(4) All leaks, regardless of cause, and the date and method of repair;

(5) All upstream and downstream regulators and relief valves; and

(6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-155, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-155, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-160 Reports of proposed construction.** (1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:

(a) Description and purpose of the proposed pipeline.

(b) Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.

(c) Maximum allowable operating pressure for which the pipeline is being constructed.

(d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments thereto, other areas requiring special or unusual design and construction considerations.

(e) Proposed corrosion control program to be followed including specifications for coating and wrapping.

(f) Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig. If water is not to be used, briefly explain and list test medium to be used.

(g) Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30-day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of

construction and will be kept current until construction is completed.

(h) Bending procedures to be followed.

(i) Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(j) Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to office of pipeline safety, department of transportation, rules and regulations require 60-day advanced notification before approval.

(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.

[Order R-28, § 480-93-160, filed 7/15/71; Order R-5, § 480-93-160, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-170 Tests and reports thereof for pipelines.** (1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.

(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.

(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.

(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.

(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.

(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service.

[Order R-28, § 480-93-170, filed 7/15/71; Order R-5, § 480-93-170, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-175 Moving and lowering gas pipelines.** A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:

(1) The required deflection of the pipeline;

(2) The diameter, wall thickness, and grade of the pipe;

(3) The characteristics of the pipeline;

(4) The terrain and class location;

(5) The soil conditions, including the pH;

(6) The current condition of the pipeline;

(7) The safe stress of the pipeline; and

(8) The toughness of the steel.

If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-175, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements.** In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:

(1) Relevant available pipeline safety data;

(2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;

(3) The reasonableness of the plans and procedures; and

(4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these

rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-180, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-180, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-180, filed 7/15/71; Order R-5, § 480-93-180, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-183 Pipeline and system pressure reporting.** All gas companies shall establish a maximum operating pressure for a pipeline or system, in accordance with this chapter, and notify the commission of the following pressure related changes:

(1) When a pipeline or system pressure exceeds the established maximum operating pressure, the commission shall be notified within six hours, to be followed by written explanation within thirty days;

(2) When a gas company proposes to raise any pipeline's pressure above two hundred fifty psig, the gas company shall petition the commission for a waiver of WAC 480-93-030, if applicable, before increasing the pressure;

(3) When a gas company proposes to raise any pipeline's pressure above five hundred psig, the gas company shall petition the commission for a waiver of WAC 480-93-020, if applicable, before increasing the pressure;

(4) When a pipeline or system operating at low pressure drops below the safe operating conditions of attached appliances and gas equipment; and

(5) When a pipeline, operating in excess of two hundred fifty psig, is taken out of service for any reason the commission shall be notified within six hours, followed by written explanation within thirty days.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-183, filed 8/5/92, effective 9/5/92.]

**WAC 480-93-184 Gas leak responsibility.** Each gas company shall designate personnel who shall be responsible for pipeline and service line patrolling; leak survey practices, procedures, and operations; and leak classification and repairs within its respective areas of operation (i.e. division, district, etc.).

[Order R-101, § 480-93-184, filed 5/18/77.]

**WAC 480-93-185 Gas leak investigation.** Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four hours of the leak notification, send by first-class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-185, filed 8/5/92, effective 9/5/92; Order R-102, § 480-93-185, filed 5/18/77.]

**WAC 480-93-186 Leakage classification and action criteria.** (1) Gas leak classification and repair.

(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.

(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.

**Grade 1** - Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.

**Grade 2** - Grade 2 means a leak recognized as being nonhazardous at the time of detection but requiring scheduled repair based on probable future hazard.

**Grade 3** - Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.

(c) Follow-up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.

(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded.

[Order R-103, § 480-93-186, filed 5/18/77.]

## WAC 480-93-18601 Table 1—Leak classification and action criteria—Grade—Definition—Priority of leak repair—Examples.

TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA

GRADE 1
DEFINITION

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

| PRIORITY OF LEAK REPAIR | EXAMPLES |
|---|---|
| Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous.<br>*The prompt action in some instances may require one or more of the following:<br>a. Implementation of company emergency plan (192.615).<br>b. Evacuating premises.<br>c. Blocking off an area.<br>d. Rerouting traffic.<br>e. Eliminating sources of ignition.<br>f. Venting the area, or<br>g. Stopping the flow of gas by closing valves or other means.<br>h. Notifying police and fire departments. | Leaks requiring prompt action:<br>1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.<br>2. Escaping gas that has ignited unintentionally.<br>3. Any indication of gas which has migrated into or under a building or tunnel.<br>4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.<br>5. Any reading of 80% LEL or greater in a confined space.<br>6. Any reading of 80% LEL, or greater in small substructures not associated with gas likely migrate to the outside wall of a building.<br>7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property. |

GRADE 2
DEFINITION

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

| PRIORITY OF LEAK REPAIRS | EXAMPLES |
|---|---|
| Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:<br>a. Amount and migration of gas,<br>b. Proximity of gas to buildings and subsurface structures,<br>c. Extent of pavement, and<br>d. Soil type and conditions, such as frost cap, moisture and natural venting.<br><br>Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.<br><br>It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.<br><br>On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary. | A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:<br>1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.<br><br>B. Leaks requiring action within six months:<br>1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.<br>2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.<br>3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.<br>4. Any reading between 20% LEL and 80% LEL in a confined space.<br>5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.<br>6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair. |

GRADE 3
DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

| PRIORITY OF LEAK REPAIRS | EXAMPLES |
|---|---|
| Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading. | Leaks requiring reevaluation at periodic intervals:<br>1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.<br>2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.<br>3. Any reading of less than 20% LEL in a confined space. |

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-18601, filed 8/5/92, effective 9/5/92; Order R-103, Table 1 (codified as WAC 480-93-18601), filed 5/18/77.]

**WAC 480-93-187 Records and self audit.** (1) Gas leak records. Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs and to provide the data and information needed to complete every required RSPA F-7100.1, F-7100.1-1, F-7100.2, and F-7100.2-1 leak report.

(2) The following data and information shall be recorded and maintained. Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those reports with the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances of a leak situation need not be reported, but at a minimum will include the following:

(a) Date and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;

(b) Date and time the leak was reevaluated before repair, and the name of the employee involved;

(c) Date and time of repair, when a Grade 1 leak is involved, and the name of the employee in charge of the repair;

(d) Date and time the leak was rechecked after repair and the employee involved;

(e) If leak was reportable to an environmental agency, date and time report made to regulatory authority and name of reporting employee;

(f) Location of leak (sufficiently described to allow ready location by other competent personnel);

(g) Leak grade;

(h) Line use (distribution, transmission, etc.);

(i) Method of leak detection (if reported by outside party, list name and address);

(j) Part of system where leak occurred (main, service, etc.);

(k) Part of system which leaked (pipe, valve, fitting, compressor or regulator station, etc.);

(l) Material which leaked (steel, plastic, cast iron, etc.);

(m) Origin of leak;

(n) Pipe description;

(o) Type repair;

(p) Leak cause;

(q) Date pipe installed (if known);

(r) Whether under cathodic protection; and

(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 (codified as WAC 480-93-18601).

The data to be recorded on leaks which have been appropriately classified as "Grade 3" may be at the company's discretion, but must include, at a minimum, information necessary to allow for proper follow-up action to be accomplished.

(3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by every gas company:

(a) Repair scheduling - assure that repairs are made within the time specified;

(b) Repair effectiveness - assure that leak repairs are effective; and

(c) Check adequacy of records.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-187, filed 8/5/92, effective 9/5/92; Order R-104, § 480-93-187, filed 5/18/77.]

**WAC 480-93-188 Gas leak surveys.** (1) Types of gas leak surveys and test methods. Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall-to-wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

(a) Business areas - at intervals not exceeding fifteen months, but at least once each calendar year;

(b) Residential areas - as frequently as necessary, but at intervals not exceeding five years;

(c) Buildings of public assembly - at intervals not exceeding fifteen months, but at least once each calendar year;

(d) Special surveys - as required; and

(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe - at intervals not exceeding eight months, but at least twice each calendar year.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey;

(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary;

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building; and

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detection instrument.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made;

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example, churches; schools; and hospitals;

(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.

(6) Leak survey records. For the most current and immediately preceding survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed (this could include maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Names of those making survey;

(e) Survey dates; and

(f) In addition to the above, the following records shall be kept for pressure drop test:

(i) The name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used;

(ii) Test medium used;

(iii) Test pressure;

(iv) Test duration;

(v) Pressure recording charts, or other record of pressure readings; and

(vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed as frequently as necessary, but at intervals not exceeding three years:

(a) Leak survey schedule - assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M-Maintenance, and the general condition of the pipeline system as required by other applicable regulations;

(b) Survey effectiveness - evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system; and

(c) Check adequacy of records.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-188, filed 8/5/92, effective 9/5/92; Order R-105, § 480-93-188, filed 5/18/77.]

**WAC 480-93-190 Being aware of construction work near gas company facilities.** All gas companies shall subscribe to the available "one call locating service" in every area their facilities are located. Every gas company shall establish procedures for obtaining prompt notice and full information concerning the commencement and progress of all construction work in areas in close proximity to gathering lines, mains, service lines, transmission lines, and other gas facilities. The object of such a program will be to lessen the probability of incurring damage to the company's underground facilities.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-190, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-190, filed 7/15/71; Order R-5, § 480-93-190, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-200 Reports associated with gas company facilities and operations.** (1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:

(a) Results in a fatality or personal injury requiring hospitalization;

(b) Results in damage to the property of the company and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);

(c) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;

(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or

(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the accident, incident, or hazardous condition to include date, time, and place;

(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;

(e) The date and time the gas facility was made safe;

(f) The date, time, and type of any temporary or permanent repair made; and

(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.

(3) Every gas company shall file a copy of every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.

(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-200, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-200, filed 7/15/71; Order R-5, § 480-93-200, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-210 Interruptions to service.** Interruptions to the service furnished by any gas company to an industrial customer, a master meter customer, or twenty-five or more distribution customers, or the failure of any gas facilities, shall be reported to the commission within six hours. When service has been restored, a written report shall be submitted promptly to the commission detailing the cause of the interruption or failure and steps taken to prevent any recurrence.

This requirement shall not apply to interruptions to service made by gas companies in accordance with the provisions of contracts between such companies and their customers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-210, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-210, filed 7/15/71; Order R-5, § 480-93-210, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-220 Rule of precedence.** Where there is any conflict between the provisions of CFR 49, Part 192 (Minimum Federal Natural Gas Pipeline Safety Standards) in effect on the date specified in WAC 480-93-999 and any rule specifically set forth herein, the former shall govern.

These rules shall take precedence over all orders, heretofore made by the commission, insofar as said orders may be inconsistent with these rules.

These rules shall take precedence over all rules filed or to be filed by gas companies insofar as inconsistent therewith. Rules of the gas companies now on file and inconsistent with the rules herein established shall be properly revised and refiled within sixty days from the effective date of this order.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-220, filed 9/28/01, effective 10/29/01; Order R-28, § 480-93-220, filed 7/15/71.]

**WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder—Maximum amount.** (1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

(2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

(3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.

[Statutory Authority: RCW 80.01.040 and 80.28.210. 95-19-057 (Order R-433, Docket No. UG-950625), § 480-93-223, filed 9/15/95, effective 10/16/95.]

**WAC 480-93-230 Modification/waivers.** If a gas company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission to deviate from the rule. Every request for a deviation shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-230, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-230, filed 7/15/71; Order R-5, § 480-93-230, filed 6/6/69, effective 10/9/69.]

**WAC 480-93-240 Annual pipeline safety fee methodology.** (1) Every gas company and every interstate gas pipeline company subject to inspection or enforcement by the commission will pay an annual pipeline safety fee as established in the methodology set forth in section (2) below.

(2) The fee will be set by general order of the commission entered before July 1 of each year and will be collected in four equal installments payable on the first day of each calendar quarter, beginning July 1, 2001.

(a) The total of pipeline safety fees will be calculated to recover the costs of the legislatively authorized workload represented by current appropriations, less the amount received in federal funds through the Federal Department of Transportation's Natural Gas Pipeline Safety Program base grant. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by such grants be considered a cost for purposes of calculating such fees.

(b) Total pipeline fees as determined in subsection (a) will be divided between gas companies and interstate gas pipeline companies based on two components:

(i) The first component is direct assignment of average costs associated with a company's standard inspections, including the average number of inspection days per year, which will be determined annually. Standard inspections are conducted to comply with the state's participation requirement under the "Guidelines for States Participating in the Pipeline Safety Program" of the Federal Department of Transportation, Office of Pipeline Safety.

(ii) The second component is an allocation of the remaining program costs that are not directly assigned in (i). Distribution of these costs between gas companies and interstate gas pipeline companies will be based on miles of transmission lines as defined in WAC 480-93-005(18) and miles of main as defined in WAC 480-93-005(12) operated within Washington state.

(c) The commission general order setting fees pursuant to this rule will detail the allocation of program costs between gas companies and interstate gas pipeline companies, and the specific calculation of each company's pipeline safety fee.

(3) By April 1 of each year every gas company and every interstate gas pipeline company subject to this section must file an annual report as prescribed by the commission that is necessary to establish the annual pipeline safety fee. By June 1 of each year the commission staff will mail to each company subject to this section an annual invoice showing an estimate of the quarterly amounts.

(4) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For those companies subject to RCW 80.24.010, the portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(5) Any company wishing to contest the amount of the fee imposed under this section must pay the fee and, within 6 months of the due date of the fee, file a petition in writing with the commission requesting a refund. The petition must state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; and any reasons why the commission may not impose the fee. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 2001 c 238 § 2. 02-03-016 (Docket No. UG-010522, General Order No. R-497), § 480-93-240, filed 1/4/02, effective 2/4/02.]

**WAC 480-93-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

**Title 49 Code of Federal Regulations,** cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-999, filed 9/28/01, effective 10/29/01.]

## Chapter 480-100 WAC
## ELECTRIC COMPANIES

WAC


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480-100-010 Application of rules. [Order R-5, § 480-100-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-011.

480-100-011 Application of rules. [Order R-29, § 480-100-011, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-016 Saving clause. [Order R-29, § 480-100-016, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-020 Saving clause. [Order R-5, § 480-100-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-016.

480-100-021 Glossary. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-021, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-021, filed 11/15/84; Order R-29, § 480-100-021, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-026 Tariffs. [Order R-29, § 480-100-026, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-030 Definitions of terms as used in these rules. [Order R-5, § 480-100-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-021.

480-100-031 Accounting. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-100-031, filed 12/15/89, effective 1/15/90; 89-12-070 (Order R-302, Docket No. U-89-2641-R), § 480-100-031, filed 6/7/89; Order R-29, § 480-100-031, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-100-032, filed 2/5/86.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-036 Finance—Securities, affiliated interests, transfer of property. [Order R-29, § 480-100-036, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-040 Tariffs. [Order R-5, § 480-100-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-026.

480-100-041 Information to consumers. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-041, filed 1/20/81; Order R-84, § 480-100-041, filed 6/30/76; Order R-29, § 480-100-041, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-043 Advertising. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-043, filed 1/20/81.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-046 Application for service. [Order R-29, § 480-100-046, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-050 Classification of accounts. [Order R-5, § 480-100-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-051 Establishment of credit. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-051, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-051, filed 11/12/87; 86-07-032 (Order R-256, Cause No. U-85-81), § 480-100-051, filed 3/14/86; Order R-84, § 480-100-051, filed 6/30/76; Order R-29, § 480-100-051, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-056 Refusal of service. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-056, filed 1/20/81; Order R-29, § 480-100-056, filed 7/15/71.] Repealed by 01-24-076 (General Order No. R-495, Docket No. UE-990473), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-060 Annual reports. [Order R-5, § 480-100-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-061 Contract for service. [Order R-29, § 480-100-061, filed 7/15/71.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-100-066 Distribution extensions. [Order R-29, § 480-100-066, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-070 Information for customers. [Order R-5, § 480-100-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-041.

480-100-071 Discontinuance of service. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-071, filed 12/13/94, effective 1/13/95; 88-07-070 (Order R-284, Cause No. U-87-1525-R), § 480-100-071, filed 3/18/88; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-071, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-071, filed 11/15/84. Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-071, filed 1/20/81; Order R-84, § 480-100-071, filed 6/30/76; Order R-29,

§ 480-100-071, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-072 Payment arrangements and responsibilities. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-072, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-072, filed 11/15/84.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-076 Service responsibilities. [Order R-29, § 480-100-076, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-080 Record of complaints. [Order R-5, § 480-100-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-096.

480-100-081 Service entrance facilities. [Order R-29, § 480-100-081, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-086 Meter location. [Order R-29, § 480-100-086, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-090 Filing of records and reports. [Order R-5, § 480-100-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-211.

480-100-091 Access to premises. [Order R-29, § 480-100-091, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-096 Complaints and disputes. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-096, filed 12/13/94, effective 1/13/95; Order R-84, § 480-100-096, filed 6/30/76; Order R-29, § 480-100-096, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-100 Application for service. [Order R-5, § 480-100-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-046.

480-100-101 Form of bills. [Order R-84, § 480-100-101, filed 6/30/76; Order R-29, § 480-100-101, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-106 Dispute as to billing. [Order R-29, § 480-100-106, filed 7/15/71.] Repealed by Order R-84, filed 6/30/76.

480-100-110 Contract for service. [Order R-5, § 480-100-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-061.

480-100-111 Refund for inaccurate metering. [Order R-29, § 480-100-111, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-116 Responsibility for delinquent accounts. [Order R-29, § 480-100-116, filed 7/15/71.] Repealed by 01-24-076 (General Order No. R-495, Docket No. UE-990473), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-120 Deposits. [Order R-5, § 480-100-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-051.

480-100-121 Meter charges. [Order R-29, § 480-100-121, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-126 Meter readings. [Order R-29, § 480-100-126, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-130 Discontinuance of service by customer. [Order R-5, § 480-100-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-131 Identification of meters. [Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-131, filed 7/22/81; Order R-29, § 480-100-131, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-136 Initial accuracy of meters. [Order R-29, § 480-100-136, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-140 Discontinuance of service by utility. [Order R-5, § 480-100-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-141 Accuracy of watthour meters. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-141, filed 12/13/94, effective 1/13/95. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-141, filed 7/22/81; Order R-29, § 480-100-141, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-146 Accuracy of demand meters. [Order R-29, § 480-100-146, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-150 Fraudulent use of service. [Order R-5, § 480-100-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-151 Instrument transformers. [Order R-29, § 480-100-151, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-156 Multipliers and test constants. [Order R-29, § 480-100-156, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-160 Responsibility for delinquent accounts. [Order R-5, § 480-100-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-116.

480-100-161 Portable indicating instruments. [Order R-29, § 480-100-161, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-166 Dispute as to accuracy of meters. [Order R-29, § 480-100-166, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-170 Refusal of service. [Order R-5, § 480-100-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-056.

480-100-171 Complaint meter test. [Order R-29, § 480-100-171, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-176 Statement of meter test procedures. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-176, filed 12/13/94, effective 1/13/95. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-176, filed 7/22/81; Order R-29, § 480-100-176, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-180 Special metering, record of output, etc. [Order R-5, § 480-100-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-181 Meter history records. [Order R-29, § 480-100-181, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effec-

tive 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-186 Standard frequency. [Order R-29, § 480-100-186, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-190 Change in character of service. [Order R-5, § 480-100-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-191 Standard voltage and permissible variation. [Order R-29, § 480-100-191, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-196 Voltage tests. [Order R-29, § 480-100-196, filed 7/15/71.] Repealed by 81-15-094 (Order R-165, Cause No. 4-81-30), filed 7/22/81. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)].

480-100-200 Changes in use. [Order R-5, § 480-100-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-201 Accuracy of test standards. [Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-201, filed 7/22/81; Order R-29, § 480-100-201, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-206 Reports of accidents. [Order R-29, 480-100-206, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-210 Adequacy and continuity of service. [Order R-5, § 480-100-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-211 Filing of records and reports and the preservation of records. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-211, filed 12/13/94, effective 1/13/95; Order R-29, § 480-100-211, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-220 Distribution extensions. [Order R-5, § 480-100-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-066.

480-100-230 Service entrance facilities. [Order R-5, § 480-100-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-081.

480-100-240 Standard frequency. [Order R-5, § 480-100-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-186.

480-100-250 Standard voltage and permissible variation. [Order R-5, § 480-100-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-191.

480-100-251 Least cost planning. [Statutory Authority: RCW 80.01.040. 87-11-045 (Order R-273, Cause No. U-86-141), § 480-100-251, filed 5/19/87.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-260 Voltage tests. [Order R-5, § 480-100-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-196.

480-100-270 Form of bills. [Order R-5, § 480-100-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-101.

480-100-280 Record of billings. [Order R-5, § 480-100-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-106.

480-100-290 Dispute as to bills. [Order R-5, § 480-100-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-300 Meter location. [Order R-5, § 480-100-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-310 Access to premises. [Order R-5, § 480-100-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-311 Business offices and payment agencies. [Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-311, filed 12/13/94, effective 1/13/95.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-320 Identification of employees. [Order R-5, § 480-100-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-330 Meter charges. [Order R-5, § 480-100-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-121.

480-100-340 Meter readings. [Order R-5, § 480-100-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-126.

480-100-350 Initial accuracy of meters. [Order R-5, § 480-100-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-360 Meter seals. [Order R-5, § 480-100-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-370 Meter history record. [Order R-5, § 480-100-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-380 Multipliers and test constants. [Order R-5, § 480-100-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-156.

480-100-390 Accuracy of watthour meters. [Order R-5, § 480-100-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-141.

480-100-400 Accuracy of demand meters. [Order R-5, § 480-100-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-146.

480-100-410 Instrument transformers. [Order R-5, § 480-100-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-151.

480-100-420 Portable indicating instruments. [Order R-5, § 480-100-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-161.

480-100-430 Meter testing. [Order R-5, § 480-100-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-176.

480-100-440 Record of meter tests. [Order R-5, § 480-100-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-450 Dispute as to accuracy of meters. [Order R-5, § 480-100-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-166.

480-100-460 Free complaint meter test. [Order R-5, § 480-100-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-470 Fee for extra-complaint meter tests. [Order R-5, § 480-100-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-480 Complaint reports. [Order R-5, § 480-100-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-490 Refund for inaccurate metering. [Order R-5, § 480-100-490, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-111.

480-100-500 Identification of meters. [Order R-5, § 480-100-500, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-131.

480-100-510 Testing facilities. [Order R-5, § 480-100-510, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-520 Accuracy of test standards. [Order R-5, § 480-100-520, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-201.

480-100-530 Report of accidents. [Order R-5, § 480-100-530, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-206.

## PART 1—GENERAL RULES

**WAC 480-100-001 Purpose.** The legislature has declared that operating as an electric utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by

establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Electric metering; and
- Electric safety and standards.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-001, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-003 Application of rules.** (1) The rules in this chapter apply to any electric utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, Exemptions from rules in chapter 480-100 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleading and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-003, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC.** (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-008, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-013 Additional requirements.** (1) These rules do not relieve any electric utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any electric utility in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-013, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-018 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-018, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-023 Definitions.** **"Applicant"** means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

**"Business day"** means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

**"Commission"** means the Washington utilities and transportation commission.

**"Customer"** means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

**"Electric utility (utility)"** means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that meets the following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington state; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-023, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-028 Tariffs and special contracts.** An electric utility must publish its rate schedules and rules and

regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-028, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-033 Distribution line extension tariff.** Each electric utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-033, filed 5/3/01, effective 6/3/01.]

## PART 2—CONSUMER RULES

**WAC 480-100-103 Information to consumers.** (1) An electric utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

(a) A copy of the consumer brochure described in subsection (3) of this section;

(b) A copy of the customer's applicable rate information;

(c) A copy of the electric rules, chapter 480-100 WAC; and

(d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and same billing month of the previous year, if available, either on the customers' bills or upon request, as follows:

(a) Number of days in billing period;

(b) Kilowatt hours used; and

(c) Average kilowatt hours used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-103, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-108 Application for service.** (1) When an applicant orders service from an electric utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

(a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;

(b) The date the service is requested to be effective;

(c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing or service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date;

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) A customer may not resell electricity unless specifically authorized in the utility's tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-108, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-113 Residential services deposit requirements.** (1) **Deposit criteria for current residential customers.** An electric utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past-due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another electric utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past-due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can quickly and easily be checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** A utility must refund any deposit plus accrued interest as indicated by the customer

at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) 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) A credit applied to the customer's account for service beginning in the thirteenth month.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-113, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-113, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-118 Nonresidential service deposit requirements.** (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-118, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-118, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-123 Refusal of service.** (1) An electric utility may refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

(a) The building or property has more than one dwelling unit;

(b) The occupants control a significant part of the electricity used in the individual units; and

(c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of wiring or electrical equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-100-128(2), disconnection of service.

(3) An electric utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the

dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(4) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(5) The utility may refuse to provide new or additional service for reasons not expressed in subsections (1) and (2) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(6) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC 480-09-150, Informal complaints; or a formal complaint under WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-24-076 (General Order No. R-495, Docket No. UE-990473), § 480-100-123, filed 12/3/01, effective 1/3/02.]

**WAC 480-100-128 Disconnection of service.** (1) **Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

(2) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff.

This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(3) **Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated electric service (or for regulated electric and gas service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies, or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-100-143, Winter low-income payment program;

(b) For use of electric service for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased electric use without the utility's approval;

(d) For refusing to allow the utility's representatives access to the customer's premises as required in WAC 480-100-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Electric service may not be disconnected for amounts that may be owed the utility for nonregulated service.

(5) **Medical emergencies.** When the utility 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. The utility must reinstate service during the

same day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition 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 utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of 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) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(6) **Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-100-138, Payment arrangements, and WAC 480-100-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing, if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days, if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection; the amount owed for regulated electric service and, if applicable, regulated natural gas service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in subsection (6)(a) of this section;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice. The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice. The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho; or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho; or

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of

the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date required by (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required under (d) of this subsection;

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) 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 utility must undertake reasonable efforts to inform the 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, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be the third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** 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 utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility must inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-128, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-133 Reconnecting service after disconnection.** (1) An electric utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account and pays any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118 Nonresidential service deposit requirements;

(2) The commission may require reconnection pending resolution of any bona fide dispute between the utility and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-133, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-138 Payment arrangements.** (1) If an electric utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines the customer used service prior to applying for service as outlined in WAC 480-100-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer the equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned;

(3) The utility must provide a receipt to customers for all payments made in cash.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-138, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-143 Winter low-income payment program.** (1) During the winter months, between November 15th and March 15th, an electric utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter, by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pays all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-100-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection

(1) of this section. The utility must include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility must restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-100-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date the service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-143, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-148 Service responsibility.** (1) **Customer responsibility.** The customer must notify the electric utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility.** Each electric utility:

(a) Must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Must promptly notify all affected customers of any substantial change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when such change is required by law, the customer must bear all costs in connection with making changes to the customer's own equipment.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service.

(d) Must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.

When it is necessary for an electric utility to make repairs to or to change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. When practicable, such interruption will be during the working hours regularly maintained by the utility. The utility must individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters, will be given notification through newspapers, radio announcements, or other means at least one day in advance.

(e) Must keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-148, filed 10/16/02, effective 11/16/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-148, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-153 Disclosure of private information.** (1) An electric utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-20-060 (Docket No. UE-990473, General Order No. R-489), § 480-100-153, filed 9/28/01, effective 10/29/01.]

**WAC 480-100-163 Service entrance facilities.** (1) An electric utility may require customers to:

(a) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursu-

ant to the National Electrical Code. Information about the National Electrical Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-163, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-163, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-168 Access to premises; identification.** (1) Authorized representatives of an electric utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of electric utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-168, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-173 Electric utility responsibility for complaints and disputes.** (1) When an electric utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

(b) Investigate the complaint promptly as required by the particular case;

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

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

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each electric utility must keep a record of all complaints for at least three years and, upon 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;

(d) The final result; and

(e) All official documents regarding the complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-173, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-178 Billing requirements and payment date.** (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and a toll-free telephone number and an emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of kilowatt hours used;

(f) Show the amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt hour, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period the service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full.

(i) Clearly identify when a bill is based on an estimation.

(i) The utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer;

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-178, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-183 Complaint meter tests.** (1) An electric utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under WAC 480-100-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-100-338, Accuracy requirements for electric meters, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-100-338, Accuracy requirements for electric meters.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-100-338, Accuracy requirements for electric meters, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-100-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-183, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-188 Payment locations.** (1) An electric utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event that a payment agency is closed on less than thirty days' notice, written or electronic notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

(a) The communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and facility locations available for payment of cash or urgent payments; and

(d) A listing of other methods and locations for obtaining business office and customer service center services.

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-188, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-193 Posting of tariffs for public inspection and review.** Each electric utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-193, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-100-193, filed 4/4/01, effective 5/5/01.]

**WAC 480-100-194 Publication of proposed tariff changes to increase charges or restrict access to services.** Each electric utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-100-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-100-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the electric utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical electric customer

using an average of 1,500 kwhs per month would see an average monthly increase of $10.38.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-194, filed 5/14/02, effective 6/17/02.]

**WAC 480-100-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.** (1) This section applies to tariff changes for other than those that are subject to WAC 480-100-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-100-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-195, filed 5/14/02, effective 6/17/02.]

**WAC 480-100-197 Adjudicative proceedings where public testimony will be taken.** (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-100-194(4), except the public involvement information in WAC 480-100-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-197, filed 5/14/02, effective 6/17/02.]

**WAC 480-100-198 Notice verification and assistance.** (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-100-194, 480-100-195, or 480-100-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-100-193 through 480-100-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-198, filed 5/14/02, effective 6/17/02.]

**WAC 480-100-199 Other customer notice.** The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-199, filed 5/14/02, effective 6/17/02.]

## PART 3—FINANCIAL RECORDS AND REPORTING RULES

**WAC 480-100-203 Accounting system requirements.** (1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor electric utilities as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations, Part 101. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric utilities having multistate operations must maintain records in such detail that the costs of property located and business done in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supercede any commission order regarding accounting treatments.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-203, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-203, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-208 Financial reporting requirements.** (1) **Annual reports.**

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) **Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-208, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-208, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-213 Expenditures for political or legislative activities.** (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-213, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-218 Securities, affiliated interests, and transfers of property.** (1) Before an electric utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before an electric utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, an electric utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-218, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-223 Advertising.** (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of an electric utility, to select or install any appliance or equipment designed to use the electric utility's service, or to influence consumers' opinions of the electric utility.

The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(2) As used in this section, the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with the electric utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

(g) Notices of meetings or commission hearings concerning electric utility rates and tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-223, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-228 Retention and preservation of records and reports.** (1) Each electric utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies,* published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-228, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-238 Least cost planning.** (1) Purpose and process. Each electric utility regulated by the commission has the responsibility to meet its load with a least cost mix of generating resources and improvements in the efficient use of electricity. Therefore, a "least cost plan" must be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public will be required. Each planning cycle must begin with a letter to the utility from the commission secretary. The content and timing of and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the mix of generating resources and improvements in the efficient use of electricity that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(3) Each electric utility must submit to the commission on a biennial basis a least cost plan that must include:

(a) A range of forecasts of future demand using methods that examine the impact of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses.

(b) An assessment of technically feasible improvements in the efficient use of electricity, including load management, as well as currently employed and new policies and programs needed to obtain the efficiency improvements.

(c) An assessment of technically feasible generating technologies including renewable resources, cogeneration, power purchases from other utilities, and thermal resources (including the use of combustion turbines to utilize better the existing hydro system).

(d) A comparative evaluation of generating resources and improvements in the efficient use of electricity based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the mix of resources that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan must include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings, including the review of avoided cost determinations, before the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-238, filed 5/3/01, effective 6/3/01.]

## PART 4—METERING RULES

**WAC 480-100-308 Meter location.** (1) Subject to the utilities' requirements, customers must provide a place to install the metering equipment that is:

(a) Readily accessible to utility employees without risks of bodily harm; and

(b) Free from vibration, corrosive atmosphere, and abnormal temperatures.

(2) Upon request by a customer or a customer's representative, electric utilities must provide a written description of acceptable meter installation parameters applicable to the customer's electrical service needs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-308, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-313 Meter charges.** (1) An electric utility will make no charge for furnishing and installing the meter or meters required to determine the customer's usage for billing of electric service in accordance with the utility's filed tariff. The utility may charge for additional meters requested by the customer or required by the utility's tariff for service beyond determining the customer's bill.

(2) No meter may be required on unmetered load.

[Stautory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-313, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-318 Meter readings, multipliers, and test constants.** (1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to customers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt hours or other units as filed in the company's tariffs.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or be otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1). Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-318, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-328 Meter identification.** Electric utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-328, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-333 Initial accuracy of electric meters.** All meters must be in good order and adjusted to register as nearly correct as practicable prior to being put into service or returned to service following testing or other work. All meters in service must be sealed by the use of a sealing device acceptable to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-333, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-338 Accuracy requirements for electric meters. (1) Watt-hour meter accuracy.**

(a) The requirements for watt-hour meters used for measuring electrical quantities supplied include, but are not limited to:

(i) All meters must be of proper design for the circuit on which they are used, be in good mechanical and/or electronic condition, have adequate insulation, correct internal connections, and correct register;

(ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes:

(A) When the load wires are disconnected and potential is impressed; or

(B) In a shop test where the load wires are disconnected and the permissible voltage variation is impressed;

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between five and ten percent of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between seventy-five and one hundred fifty percent

of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent of the meter's nameplate test current (ta) value, at the meter's nameplate rated voltage, and at a fifty percent lagging power factor;

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to a current approximately one hundred percent of the nameplate test current value, at the meter's rated voltage, at both unity and fifty percent lagging power factor.

(2) **Demand meter accuracy.**

(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:

(i) The device must be in good mechanical and electrical condition;

(ii) The device must have the proper multiplier, indicating scale, resetting apparatus, and contact device if used;

(iii) The device must not register at no load;

(b) The device must achieve the following accuracies:

(i) Curve-drawing meters that record quantity-time curves, and integrated-demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;

(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;

(iii) Lagged-demand meters must be accurate to within plus or minus 4.0 percent of final indication;

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI C12.1. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-338, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-343 Statement of meter test procedures.** (1) Electric utilities must include in their tariffs a statement describing their practices under these rules covering:

(a) A description of methods used and frequency of tests for determining electric meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures;

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(iii) The corrective action and time period in which such action will be implemented; and

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(c) If an electric utility does not maintain meter testing equipment, the electric utility must state that it will use a qualified testing laboratory for this purpose. The utility must notify the commission by separate correspondence of the name of the testing laboratory making meter tests if it does not maintain meter testing equipment.

(d) The testing and adjustment program used for meters prior to installation and periodically after installation, if applicable.

(2) If an electric utility changes any portion of its meter test procedures after they have been approved by the commission, the utility must submit a revised tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-343, filed 5/3/01, effective 6/3/01.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 480-100-353 Meter history records.** (1) Electric utilities must keep records showing the history of each meter purchased and installed. Such records must be maintained for the life of the meter plus three months. The forms of such records are subject to commission approval and must contain the following information at a minimum:

(a) The approximate date of purchase;

(b) The manufacturer's name and meter number or the utility's own unique meter identification number;

(c) The place(s) of installation; and

(d) The readings at the time of each installation and each removal.

(2) The records must include the date of all tests made on the meter, together with data recorded and computations made to determine the meter's accuracy. If a test is a complaint test, the records must include the complainant's name and the meter's calculated accuracy before and after the test.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-353, filed 5/3/01, effective 6/3/01.]

## PART 5—SAFETY AND STANDARDS RULES

**WAC 480-100-358 Instrument transformers.** (1) Instrument transformers used in conjunction with metering equipment to measure customers' service must:

(a) Be in proper mechanical condition and have electrical insulation satisfactory for the service in which they are used; and

(b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

| 100% Power Factor | | 50% Power Factor | |
|---|---|---|---|
| 10% Current | 100% Current | 10% Current | 100% Current |
| 1.5% error | 0.75% error | 3.0% error | 2.0% error |

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracy of the meter installation (including both meter and instrument transformers) will meet the requirements specified in WAC 480-100-338, Accuracy requirements for electric meters. Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if transformers are tested separately, meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements.

(3) Adjustment of the meter to correct instrument accuracy errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(a) **Instrument current transformers.** The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed six-tenths of one percent at ten percent rated current, or three-tenths of one percent at approximately one hundred percent rated current;

(b) **Instrument potential transformers.** The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed three-tenths of one percent.

(4) Electric utilities must keep instrument transformer test results on record and available for use when transformers are installed.

(5) Phase shifting transformers must have secondary voltages that are within plus or minus one percent of the voltage impressed on primary terminals, when tested under balanced line voltage conditions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-358, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-363 Portable indicating instruments.** (1) Electric utilities must maintain in reasonable working order all portable indicating electrical instruments used to determine quality of electrical service, such as volt meters, ammeters, and watt meters, and all fixed-location meter testing equipment in use and, if in question, must check it against suitable reference standards. If suitable reference standards are not available within the utility, the utility must check its portable instruments at a standardizing laboratory meeting specifications recommended by the meter manufacturer.

(2) Electric utilities must adjust portable analog indicating instruments that are found appreciably in error at zero. If a portable analog indicating instrument is in error by more than one percent at commonly used scale deflections, the electric utility must adjust it, unless the instrument is accompanied by a calibration card.

(3) Electrical utilities must maintain in good working order, as specified by the manufacturer of such instruments, all portable indicating electrical instruments used for purposes other than determining the quality of electrical service, such as instruments primarily for the safety of workers.

(4) Electric utilities must keep history and calibration records for each portable indicating electrical instrument used to determine quality of electrical service as defined in subsection (1) of this section, as long as the instrument is in service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-363, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-368 Standard frequency.** Any electric utility supplying alternating current must design and maintain its distribution system for a standard operating frequency of sixty cycles per second under normal operating conditions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-368, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-373 Standard voltage and permissible variation.** (1) Voltage means the voltage existing with loads operating under stable conditions. Each electric utility must adopt standard voltages for its different classes of standard voltage service and file these standards with the commission in the form of tariffs.

(2) Electric utilities must maintain the voltage on their distribution system reasonably constant and any allowed variation must be a gradual change in voltage as a result of normal changes in load.

The voltage on each primary distribution feeder must be maintained as follows:

(a) Voltage variations may not be more than five percent above or below the standard voltage adopted; and

(b) The total voltage variation from minimum to maximum value may not exceed eight percent of the standard voltage.

A utility may allow greater voltage variation than that specified in this rule in case of emergency service or when service is supplied directly from a transmission line. A utility may also permit greater voltage variations in an area where the revenues received do not justify close voltage regulation. In such cases, electric utilities must provide the best voltage regulation that is economically and technically practicable under the circumstances.

(3) Voltage variations in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operation, or by the operation of power apparatus on the customer's premises which necessarily requires large starting currents and only affects the user of such apparatus, will not be considered a violation of this rule.

(4) Customers must control and operate the equipment on their premises in such a way that its starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage as measured at the point of interconnection with the electric utility. Likewise, customers must control and operate their equipment in such a way that it does not cause damage or interfere with the normal operation of the electric utility's facilities or of the facilities or equipment of another customer, such as causing excessive flicker in other customers' lights. Utilities are not required to monitor customers' equipment and its interactions with third party or utility equipment on an ongoing basis.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-373, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-378 Accuracy of test standards.** (1) Electrical utilities must provide the commission with a written statement of their practices under these rules covering:

(a) A description of test standards and meter testing equipment, if maintained by the electrical utility;

(b) A description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests, if the electrical utility chooses to maintain its own such standards and equipment rather than use the services of a certified testing laboratory.

(2) If an electrical utility chooses to maintain its own test standards and meter testing instruments, it must retain records showing the date when each test standard and each meter testing instrument was tested, calibrated, or adjusted. Test standards must not be used in the field as working instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-378, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-383 Reports of accidents.** Each electric utility must notify the commission orally or by electronic mail no later than the second business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through electrical contact with its facilities. Electric utilities must submit a follow-up written report to the commission within fifteen business days of initial notification that includes, at a minimum:

(1) The name and address of the person or persons injured;

(2) The time and place of the accident;

(3) Whether the accident resulted in a fatality;

(4) A brief description of how the accident occurred; and

(5) A brief description of any necessary medical treatment that was provided.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-383, filed 5/3/01, effective 6/3/01.]

**WAC 480-100-388 Electric service reliability definitions.** "Electric service reliability" means the continuity of electric service experienced by retail customers.

"Reliability statistic" means a number, which may include multiple components (for example, service interruptions, customers, and hours), that measures electric service reliability.

"Baseline reliability statistic" means a number calculated by the utility measuring aspects of electric service reliability in a specified year that may be used as a comparison for measuring electric service reliability in subsequent years.

"Sustained interruption" means an interruption to electric service that has a length of duration specified by the electric utility, but in any case not less than one minute.

"Power quality" means characteristics of electricity, primarily voltage and frequency, that must meet certain specifications for safe, adequate and efficient operations.

"Full-system" means all equipment and lines necessary to serve retail customers whether for the purpose of generation, transmission, distribution or individual service.

"Major event" means an event, such as a storm, that causes serious reliability problems, and that meets criteria established by the utility for such an event.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-388, filed 3/22/01, effective 4/22/01.]

**WAC 480-100-393 Electric service reliability monitoring and reporting plan.** (1) Who must file. Electric utilities subject to commission jurisdiction must file a plan for monitoring and reporting electric service reliability information to the commission.

(2) When to file. The plan for monitoring and reporting electric service reliability information must be filed with the commission six months after the effective date of this rule, though utilities are encouraged to file the plan sooner. Any modification to the plan must be filed with the commission before the modification is implemented.

(3) What to file. The utility must file a plan for monitoring and reporting electric service reliability information to the commission. The plan, and any modification to it, must be accepted by the commission. The plan must include the following items:

(a) What reliability statistics and information the utility will report to the commission. The utility must select and define statistics that track full-system reliability, and information, which may include statistics, that tracks localized reliability and identifies areas of greatest reliability concern.

(b) When the utility will establish baseline reliability statistics to report to the commission. Prior to establishing baseline reliability statistics, the utility must report the best information available. The utility must establish baseline reliability statistics within three years of the effective date of this rule.

(c) When the utility will file its annual electric service reliability report to the commission.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-393, filed 3/22/01, effective 4/22/01.]

**WAC 480-100-398 Electric service reliability reports.** The electric utility must file an electric service reliability report with the commission at least once a year. The report must meet the following conditions:

(1) The report must be consistent with the electric service reliability monitoring and reporting plan filed under WAC 480-100-393. As set forth in the plan, in an identified year, baseline reliability statistics must be established and reported. In subsequent years, new reliability statistics must be compared to the baseline reliability statistics and to reliability statistics from all intervening years. The utility must maintain historical reliability information necessary to show trends for a minimum of seven years.

(2) The report must address any changes that the utility may make in the collection of data and calculation of reliability information after initial baselines are set. The utility must

explain why the changes occurred and explain how the change is expected to affect comparisons of the newer and older information. Additionally, to the extent practical, the utility must quantify the effect of such changes on the comparability of new reliability statistics to baseline reliability statistics.

(3) The report must identify the utility's geographic areas of greatest reliability concern, explain their causes, and explain how the utility plans to address them.

(4) The report must identify the total number of customer complaints about reliability and power quality made to the utility during the year, and must distinguish between complaints about sustained interruptions and power quality. The report must also identify complaints that were made about major events.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-398, filed 3/22/01, effective 4/22/01.]

## PART 6—ADOPTION BY REFERENCE

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2002.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.;

(3) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-100-163, Service entrance facilities;

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

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[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-999, filed 5/3/01, effective 6/3/01.]

# Chapter 480-107 WAC

# ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS

WAC


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480-107-140 System emergencies.
480-107-150 Interconnection costs.
480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary.
480-107-170 Filings—Investigations—Exceptions.


**WAC 480-107-001 Purpose and scope.** (1) The purpose of this chapter is to establish rules for determining rates, terms, and conditions governing the following purchases by electric utilities: Electricity from qualifying facilities; the electrical savings associated with eligible conservation measures pursuant to these rules; electricity from independent power producers; and, at the utility's election, utility subsidiaries, and other electric utilities. These rules are intended to provide an opportunity for conservation and generating resources to compete on a fair and reasonable basis to fulfill a utility's new resource needs. It is the commission's intent that bids under these rules shall include the costs of compliance by the project with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.

These rules are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. Purchase of electric power under these rules shall satisfy an electric utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

explain why the changes occurred and explain how the change is expected to affect comparisons of the newer and older information. Additionally, to the extent practical, the utility must quantify the effect of such changes on the comparability of new reliability statistics to baseline reliability statistics.

(3) The report must identify the utility's geographic areas of greatest reliability concern, explain their causes, and explain how the utility plans to address them.

(4) The report must identify the total number of customer complaints about reliability and power quality made to the utility during the year, and must distinguish between complaints about sustained interruptions and power quality. The report must also identify complaints that were made about major events.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-398, filed 3/22/01, effective 4/22/01.]

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**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

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(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-999, filed 5/3/01, effective 6/3/01.]

# Chapter 480-107 WAC

# ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS

WAC


480-107-001 Purpose and scope.
480-107-005 Definitions.
480-107-010 Filing requirements for prototype contracts.
480-107-020 Eligibility for long-run generating facility purchase rates.
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480-107-040 Size of resource block.
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480-107-130 Rates for sales to qualifying facilities.
480-107-140 System emergencies.
480-107-150 Interconnection costs.
480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary.
480-107-170 Filings—Investigations—Exceptions.


**WAC 480-107-001 Purpose and scope.** (1) The purpose of this chapter is to establish rules for determining rates, terms, and conditions governing the following purchases by electric utilities: Electricity from qualifying facilities; the electrical savings associated with eligible conservation measures pursuant to these rules; electricity from independent power producers; and, at the utility's election, utility subsidiaries, and other electric utilities. These rules are intended to provide an opportunity for conservation and generating resources to compete on a fair and reasonable basis to fulfill a utility's new resource needs. It is the commission's intent that bids under these rules shall include the costs of compliance by the project with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.

These rules are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. Purchase of electric power under these rules shall satisfy an electric utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

These rules do not preclude electric utilities from constructing electric resources, operating conservation programs, purchasing power through negotiated purchase contracts, or otherwise taking action to satisfy their public service obligations. Information about the price and availability of electric power obtained through the bidding procedures described in these rules may be used, in conjunction with other evidence, in general rate cases and other cost recovery proceedings pertaining to resources not acquired through these bidding procedures.

(2) The provisions of this chapter shall apply to any electric utility which has submitted to the commission a least-cost plan as provided in WAC 480-100-251.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-001, filed 7/18/89.]

**WAC 480-107-005 Definitions.** (1) "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for purchases to be made pursuant to these rules, the utility would generate itself or purchase from another source.

(2) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a generating facility's own generation equipment during an unscheduled outage of the facility.

(3) "Commission" means the Washington utilities and transportation commission.

(4) "Conservation measures" means electric energy efficiency improvements to buildings or energy using equipment and processes.

(5) "Economic dispatch" means, within contractually specified limits, modifying the timing of power purchases from a generating facility so as to minimize the costs of delivering electricity.

(6) "Electric utility" means any public service company as defined by RCW 80.04.010 engaged in the generation, distribution, sale, or furnishing of electricity and which is subject to the jurisdiction of the commission.

(7) "Eligible conservation suppliers" means electric utility customers, or third party conservation contractors installing energy efficiency measures as described in these rules.

(8) "Generating facilities" means plant and other equipment employed for the purposes of generating electricity purchased through contracts entered into under these rules.

(9) "Independent power producers" means generating facilities or portions thereof that are not recognized in the retail rates of any electric utility and that are not qualifying facilities as defined in subsection (16) of this section.

(10) "Interruptible power" means electric energy or capacity supplied by an electric utility to a generating facility subject to interruption by the electric utility under certain specified conditions.

(11) "Least cost plan" means the filing made every two years by an electric utility in accordance with WAC 480-100-251.

(12) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a generating facility.

(13) "Project developer" means an individual, association, corporation, or other legal entity potentially entering into a power or conservation savings contract with the utility.

(14) "Project proposal" means a project developer's document containing a description of the project and other information responsive to the requirements set forth in the RFP.

(15) "Prototype contract" means standardized terms and conditions that govern specific electric power or electrical savings purchases by electric utilities. Prototype contracts may be structured to accommodate terms and conditions specific to individual projects, subject to the conditions set forth in these rules.

(16) "Qualifying facilities" are generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

(17) "Request for proposals" (RFP) means the document describing an electric utility's solicitation of bids for the delivery of power or electrical savings.

(18) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a generating facility in addition to that which the facility generates itself.

(19) "Utility subsidiary" means a legal entity, other than a qualifying facility, which is owned, in whole or in part, by an electric utility, and which may enter a power or conservation savings contract with that electric utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-005, filed 7/18/89.]

**WAC 480-107-010 Filing requirements for prototype contracts.** (1) The electric utility shall file its initial prototype contracts with the commission. Long-run prototype contract A and long-run prototype contract C shall be attached to the RFP. Prototype contracts may be structured to allow for project-specific contract language where appropriate. The following prototype contracts shall establish terms, conditions, and rules for such transactions, and must be consistent with these rules.

(2) Short-run prototype contract. The electric utility shall file with the commission a contract which offers to qualifying facilities a short-run price equivalent to one hundred percent of the avoided energy-only production costs calculated pursuant to WAC 480-107-050. Such contract shall be called the qualifying facility short-run prototype contract.

(3) Long-run prototype contracts. The electric utility shall file with the commission three contracts which will be used pursuant to the requirements set forth in this chapter.

(a) The first contract shall be used in contracting with qualifying facilities, or other generating facilities if applicable, from winning bidders as determined through the solicitation and bidding process described in this chapter. Such contract shall be called the long-run prototype contract A.

(b) The second contract shall be used in contracting with qualifying facilities of design capacity of one megawatt or less. Such contract shall be called the long-run prototype contract B.

(c) The third contract shall be used in contracting with conservation suppliers as determined through the solicitation and bidding process. Such contract shall be called the long-run prototype contract C.

(4) The commission shall review all short-run and long-run prototype contracts filed by electric utilities pursuant to this section. Any modification to such prototype contracts proposed by the electric utility in between RFP submittals shall be filed with the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-010, filed 7/18/89.]

**WAC 480-107-020 Eligibility for long-run generating facility purchase rates.** (1) Any developer of a potential generating facility may participate in the bidding process. Qualifying facility developers proposing projects with a design capacity of one megawatt or less may at any time choose to receive long-run prototype contract B as defined in WAC 480-107-010 (3)(b). The purchase price for power from these projects shall be based on avoided energy and capacity costs as defined in WAC 480-107-050.

(2) A soliciting electric utility may broaden the scope of the solicitation and bidding process to include other electric utilities, subject to the approval of the commission. Such a decision must be explained in the utility's RFP submittal.

(3) An electric utility may allow an affiliated generating subsidiary to participate in the bidding process as a power supplier, on conditions set forth in WAC 480-107-160. Such a decision must be explained in the utility's RFP submittal.

(4) A project developer must provide evidence that a generation site has or will be obtained (e.g., letter of intent) before signing a contract with the purchasing electric utility.

(5) The project developer shall specify, as part of the price bid, the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.

(6) Any bid which involves the acquisition of energy from a hydroelectric project located in a protected area as designated by the Northwest Power Planning Council must show in its project proposal that:

(a) Such project qualifies for exception or exemption under sections 1103 (b)(4)-(5) or section 1303(g) of the Columbia River Basin Fish and Wildlife Program, or corresponding provisions of the Northwest Conservation and Electric Power Plan; or

(b) The project developer has obtained the necessary approvals from all entities legally responsible for the protection or management of fish or wildlife resources affected by the project, including the Federal Energy Regulatory Commission. The bid shall specify the estimated costs of such compliance.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-020, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-020, filed 7/18/89.]

**WAC 480-107-030 Eligibility for long-run conservation purchase rates.** (1) Any eligible conservation supplier may participate in the bidding process. An electric utility may allow an affiliated subsidiary to participate as a conservation supplier, on conditions set forth in WAC 480-107-160. Such a decision must be explained in the utility's RFP submittal.

(2) A participating conservation supplier shall provide evidence that the proposed conservation measures can be installed and will produce anticipated savings over the term of the contract.

(3) All conservation measures included in a project proposal must:

(a) Produce electrical savings over a time period of greater than five years, or a longer period if specified in the electric utility's RFP. A measure with an expected life which is shorter than the contract term must include replacements through the contract term;

(b) Be consistent with the utility's least-cost plan at the time of the bid; and

(c) Produce savings that can be reliably measured or estimated with accepted engineering methods.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-030, filed 7/18/89.]

**WAC 480-107-040 Size of resource block.** (1) The electric utility shall, as part of its RFP submittal, identify a resource block consisting of the overall amount of power to be solicited from project developers through the bidding process. The commission shall review the proposed resource block in its evaluation of the electric utility's RFP submittal.

(2) The electric utility shall, as part of its RFP documentation, demonstrate that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's least-cost plan.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-040, filed 7/18/89.]

**WAC 480-107-050 Avoided cost schedules.** The electric utility shall determine the avoided costs for the energy and capacity associated with the resource block calculated pursuant to WAC 480-107-040 on an annual basis for the greater of twenty years or the longest period over which power purchase contracts entered under these rules will be effective. This price stream will be referred to as the utility's avoided cost schedule. The avoided cost schedule and its supporting documentation shall be filed with the RFP and shall be reviewed by the commission. Revisions to the avoided cost schedule may be made during the period between solicitations by filing, with the commission and subject to the commission's approval, such revised schedule. The assumptions used in calculating the avoided cost schedule shall be consistent with the utility's least-cost plan. The electric utility shall use this stream of avoided costs to provide general information to potential bidders about the cost of new power supplies absent nonutility resources. For projects rated at one megawatt capacity or less, the most recently approved long-term avoided costs will be the basis for prices offered in prototype contract B negotiations. The avoided cost schedule applicable to any purchases in excess of one megawatt under this chapter shall be that which is filed and approved by the commission pursuant to this section, as adjusted to reflect the most recent purchases under these rules.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-050, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-050, filed 7/18/89.]

**WAC 480-107-060 The solicitation process.** (1) The utility shall begin the solicitation process by issuing a request for proposals (RFP). The information which a bidder files in accordance with the utility's RFP will be referred to as the project proposal. Project proposals will be subject to a competitive ranking procedure to determine the group of bidders with which the utility will finalize long-run purchase contracts.

(2) Requirements for issuing a request for proposals:

(a) The electric utility shall solicit bids for electric power and electrical savings in conjunction with its least cost planning schedule. The electric utility is required to file its draft request for proposal with the commission within ninety days of the electric utility's filing of its final least cost plan. More frequent solicitations shall be allowed at the discretion of the utility. The solicitation must take the form of an RFP approved by the commission.

(b) The electric utility shall submit a proposed RFP and accompanying documentation to the commission at least ninety days before its proposed issuance date. Persons interested in receiving commission notice of a specific utility's RFP filing can request the commission to place their name on a mailing list for notification of future RFP filings by that utility. Interested persons shall have sixty days from the RFP's filing date with the commission to submit written comments to the commission on the proposed RFP. The commission shall take action on the proposed RFP within thirty days after the close of the comment period. The commission may suspend the RFP filing to determine whether its issuance is in the public interest.

(c) The RFP shall specify the resource block and the long-term avoided cost schedule as calculated in WAC 480-107-040 and 480-107-050.

(d) The RFP shall explain the evaluation and ranking procedure to be used by the utility. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-060, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-060, filed 7/18/89.]

**WAC 480-107-070 Project ranking procedure.** (1) The electric utility shall adopt ranking procedures to evaluate project proposals on the basis of least-cost planning goals. The project ranking procedure must use explicitly stated criteria.

(2) The criteria used to rank project proposals are subject to commission approval and must be explained in the RFP. These factors must at a minimum address price, dispatchability, risks imposed on ratepayers, and environmental effects including those associated with resources that emit carbon dioxide.

(3) The electric utility's ranking procedures shall recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, and contract provisions.

(4) Information submitted by the bidder pursuant to an approved RFP shall remain sealed until expiration of the solicitation period specified in the RFP. The utility shall make project proposal summaries and a final ranking available at its place of business for public inspection after the project proposals have been opened for the purpose of ranking. The commission shall retain the right to examine project proposals as originally submitted by potential developers. The electric utility shall keep all documents supplied by project bidders or on their behalf, and all documents generated by the electric utility relating to each bid, for a period of at least seven years from the close of the bidding process, or the conclusion of the electric utility's next general rate case, whichever is later.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-070, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-070, filed 7/18/89.]

**WAC 480-107-080 Pricing and contracting procedures.** (1) On the basis of the ranked project proposals developed in accordance with WAC 480-107-060 and 480-107-070, the electric utility shall identify the bidders that best meet the selection criteria and that are expected to produce the energy, capacity, and electrical savings as defined by the resource block.

(2) The price bid, the requested pricing configuration, and terms of the proposed bid services are subject to negotiation. If a qualifying facility or other generating facility agrees to be operated under economic dispatch, then the price bid shall be adjusted by operating performance adjustments such as the project's equivalent availability factor. The methodology for such performance adjustments must be explained in the utility's RFP submittal.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-080, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-080, filed 7/18/89.]

**WAC 480-107-090 Security considerations.** (1) The purpose of security requirements shall be to protect ratepayer interests. The requirements and the rationale for them shall be explained in the electric utility's RFP submittal.

(2) Security is required on all project contracts whose expected payment to the project developer at any point in time will exceed the payment which would have been made under the utility's avoided cost schedule. No minimum security is required if payments to the project developer are expected to be always less or equal to the payments which would have been made under the utility's avoided cost schedule.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-090, filed 7/18/89.]

**WAC 480-107-100 Contract finalization.** (1) If, for the purposes of finalizing a particular contract, the project developer or electric utility requests changes in the long-run prototype contract, the project developer and utility may negotiate these items consistent with the provisions of this chapter. If after ninety days the parties cannot reach an agreement, either party may request a determination by the commission of the matter at issue.

(2) The electric utility is required to sign long-run prototype contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. Longer term contracts can be signed if such provisions are specified in the utility's RFP. A selected project bidder or the utility may petition the commission, after the selection but before the contract is signed, to relieve the party of its obligation to enter into a final contract. The commission may, for good cause shown, relieve the petitioner of its obligation to sign a contract.

(3) If, after project ranking material changes are made in the project proposal, including material price changes, the electric utility must suspend contract finalization with that party and rerank projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility shall dismiss the project proposal from further consideration and replace it with next ranked projects.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-100, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-100, filed 7/18/89.]

**WAC 480-107-110 Obligations of generating facilities to electric utility.** The conditions listed in this section shall apply to all generating facilities to be served by an electric utility under this chapter.

(1) The owner or operator of a generating facility purchasing or selling electricity pursuant to these rules shall execute a written agreement with the electric utility.

(2) In order to ensure system safety and reliability of interconnected operations, all interconnected generating facilities shall be constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

(3) The generating facility shall furnish, install, operate, and maintain in good order and repair and without cost to the electric utility such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shown by the utility to be reasonably necessary for the operation of the generating facility in parallel with the electric utility's system.

(4) Switching equipment capable of isolating the generating facility from the electric utility's system shall be accessible to the utility at all times.

(5) At its option, the electric utility may choose to operate the switching equipment described in subsection (4) of this section if, in the sole opinion of the utility, continued operation of the customer's generating facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification pursuant to WAC 480-107-140. The utility shall endeavor to minimize any adverse effects of such operation on the customer.

(6) Any agreement between a generating facility and an electric utility shall provide for the degree to which the generating facility will assume responsibility for the safe operation of the interconnection facilities. No generating facility may be required to assume responsibility for negligent acts of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-110, filed 7/18/89.]

**WAC 480-107-120 Obligations of electric utility to qualifying facilities.** (1) Obligation to purchase from qualifying facilities. Each electric utility's obligation to purchase from qualifying facilities shall be limited to one of the following:

(a) Energy and capacity from projects under long-run contract A pursuant to the solicitation and bidding process described in these rules;

(b) Energy or capacity offered at any time under long-run prototype contract B from qualifying facilities with a design capacity of one megawatt or less; or

(c) Energy offered under the short-run prototype contract.

(2) Obligation to sell to qualifying facilities. Each electric utility shall sell to any qualifying facilities, in accordance with WAC 480-107-130, any energy and capacity requested by the qualifying facilities on the same basis as available to other customers of the utility in the same class.

(3) Obligation to interconnect. Any electric utility shall make such interconnections with any qualifying facilities as may be necessary to accomplish purchases or sales under this section. The obligation to pay for any interconnection costs shall be determined in accordance with WAC 480-107-150.

(4) Transmission to other electric utilities. At the request of a qualifying facility, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may, at the option of the utilities involved, transmit energy or capacity to any other electric utility. Nothing contained herein shall be construed to obligate the electric utility connected with the qualifying facility to transmit to other utilities or to obligate such other utilities to purchase from the qualifying facility.

(5) Parallel operation. Each electric utility shall offer to operate in parallel with a qualifying facility: Provided, That the qualifying facility complies with any applicable standards established in accordance with WAC 480-107-110.

[Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-120, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-120, filed 7/18/89.]

**WAC 480-107-130 Rates for sales to qualifying facilities.** (1) General rules:

(a) Shall be just and reasonable and in the public interest; and

(b) Shall not discriminate against any qualifying facilities in comparison to rates for sales to other customers served by the electric utility.

(2) Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facilities to the extent that such rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request for a qualifying facility, each electric utility shall provide:

(i) Supplementary power;
(ii) Back-up power;
(iii) Maintenance power; and
(iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the electric utility.

(4) The rate for sale of back-up power or maintenance power:

(a) Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(b) Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-130, filed 7/18/89.]

**WAC 480-107-140 System emergencies.** (1) Generating facility obligation to provide power during system emergencies: A generating facility entering into a power contract under these rules shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and electric utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) Discontinuance of purchases and sales during system emergencies:

(a) During any system emergency, an electric utility may discontinue or curtail:

(i) Purchases from a generating facility if such purchases would contribute to such emergency; and

(ii) Sales to a generating facility, provided that such discontinuance or curtailment does not discriminate against a generating facility, and takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(b) System emergencies resulting in utility action under these rules are subject to verification by the commission if either party requests such verification.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-140, filed 7/18/89.]

**WAC 480-107-150 Interconnection costs.** (1) Obligation to pay. Any costs of interconnection shall be the responsibility of the owner or operator of the generating facility entering into a power contract under these rules. Interconnection costs which may be reasonably incurred by the electric utility shall be assessed against a generating facility on a nondiscriminatory basis with respect to other customers with similar load characteristics.

(2) Reimbursement of interconnection costs. The electric utility shall be reimbursed by the generating facility for any reasonable interconnection costs the utility may incur. Such reimbursement may be over an agreed period of time, but not greater than the length of any contract between the utility and the generating facility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-150, filed 7/18/89.]

**WAC 480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary.** (1) With the approval of the commission, utility subsidiaries may participate in an affiliated utility's bidding process. Under such circumstances, the solicitation and bidding process will be subject to additional scrutiny by the commission to ensure that no unfair advantage is given to the bidding subsidiary.

(2) As part of its RFP submittal, an electric utility shall notify the commission if a utility intends to allow its subsidiaries to participate in its bidding process. The electric utility must indicate in its RFP submittal how it will ensure that its subsidiary or subsidiaries will not gain, through its association with the electric utility, any unfair advantage over potential nonaffiliated competitors. Disclosure by an electric utility to its affiliated subsidiary of the contents of an RFP or competing project proposals prior to the public availability of such information, shall be construed to constitute an unfair advantage.

(3) Upon a showing to the commission that any unfair advantage was given to a bidding utility subsidiary, rate recovery of costs associated with the subsidiary's project(s) may be denied in full or in part.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-160, filed 7/18/89.]

**WAC 480-107-170 Filings—Investigations—Exceptions.** (1) The electric utility shall file with the commission and maintain on file for inspection at its place of business the current rates, prices, and charges established pursuant to these rules.

(2) If, at any time, a project developer is aggrieved by an action of an electric utility pursuant to these rules, the aggrieved party may petition the commission to investigate such action. The commission may, at its discretion, open an investigation and, if it deems necessary, hold public hearings regarding any such petition.

(3) The commission may grant such exceptions to these rules as may be appropriate in individual cases.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-170, filed 7/18/89.]

## Chapter 480-110 WAC
## WATER COMPANIES

WAC

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## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-110-010 Application of rules. [Order R-5, § 480-110-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-011.

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.

480-110-020 Saving clause. [Order R-5, § 480-110-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-016.

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.

480-110-030 Definition of terms as used in these rules. [Order R-5, § 480-110-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-021.

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.

480-110-040 Statement of test procedures. [Order R-5, § 480-110-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-156.

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.

480-110-050 Tariffs. [Order R-5, § 480-110-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.

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.

480-110-060 Classification of accounts. [Order R-5, § 480-110-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

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.

480-110-070 Annual reports. [Order R-5, § 480-110-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

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.

480-110-080 Information available. [Order R-5, § 480-110-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-041.

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.

480-110-090 Complaints. [Order R-5, § 480-110-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.

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.

480-110-100 Record of complaints. [Order R-5, § 480-110-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.

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.

480-110-106 Dispute as to billing. [Order R-30, § 480-110-106, filed 7/15/71. Formerly WAC 480-110-270.] Repealed by Order R-85, filed 6/30/76.

480-110-110 Filing of records and reports. [Order R-5, § 480-110-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-176.

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.

480-110-120 Identification of employees. [Order R-5, § 480-110-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.

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.

480-110-130 Application for service. [Order R-5, § 480-110-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-046.

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.

480-110-140 Contract for service. [Order R-5, § 480-110-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-061.

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.

480-110-150 Deposits. [Order R-5, § 480-110-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-051.

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.

480-110-160 Discontinuance of service by customer. [Order R-5, § 480-110-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.

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.

480-110-170 Discontinuance of service by utility. [Order R-5, § 480-110-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.

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.

480-110-180 Responsibility for delinquent accounts. [Order R-5, § 480-110-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-116.

480-110-190 Refusal of service. [Order R-5, § 480-110-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-056.

480-110-200 Service provisions. [Order R-5, § 480-110-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-210 Changes in use. [Order R-5, § 480-110-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-220 Adequacy and continuity of service. [Order R-5, § 480-110-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-230 Distribution extensions. [Order R-5, § 480-110-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-066.

480-110-240 Service connections. [Order R-5, § 480-110-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-081.

480-110-250 Access to premises. [Order R-5, § 480-110-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.

480-110-260 Forms of bills. [Order R-5, § 480-110-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-101.

480-110-270 Dispute as to bills. [Order R-5, § 480-110-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-106.

480-110-280 Meter location. [Order R-5, § 480-110-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-086.

480-110-290 Installation of meters. [Order R-5, § 480-110-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-300 Meters per customer. [Order R-5, § 480-110-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-310 Meter rental. [Order R-5, § 480-110-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-320 Meter readings. [Order R-5, § 480-110-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-126.

480-110-330 Initial accuracy of meters. [Order R-5, § 480-110-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.

480-110-340 Meter testing facilities. [Order R-5, § 480-110-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-350 Permissible error. [Order R-5, § 480-110-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-141.

480-110-360 Method of testing. [Order R-5, § 480-110-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-370 Frequency of periodic tests. [Order R-5, § 480-110-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-161.

480-110-380 Meter history record. [Order R-5, § 480-110-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-166.

480-110-390 Dispute as to accuracy of meters. [Order R-5, § 480-110-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-146.

480-110-400 Free complaint meter test. [Order R-5, § 480-110-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-410 Fee for extra complaint meter tests. [Order R-5, § 480-110-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-420 Identification of meters. [Order R-5, § 480-110-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-131.

480-110-430 Complaint reports. [Order R-5, § 480-110-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-440 Refunds for inaccurate metering. [Order R-5, § 480-110-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-111.

480-110-450 Meter seals. [Order R-5, § 480-110-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.

480-110-460 Service area. [Order R-5, § 480-110-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.

480-110-470 Reports of accidents. [Order R-5, § 480-110-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-171.

**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.]

**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.

(g) Entities or persons that provide water only to their tenants as part of the business of renting or leasing.

This may include:

(i) Apartment buildings.

(ii) Mobile home parks.

(iii) Manufactured home rental communities.

(iv) Office complexes.

(v) Commercial or industrial parks.

(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**

| | | Standby Charge | Ready-to-Serve Charge | Connection Charge | Facilities Charge | Meter Base Charge | Meter Usage Charge | |
|---|---|---|---|---|---|---|---|---|
| Receive Water Service | | No | No | Yes | Yes | Yes | Yes | |
| Contribution in Aid of Construction | | No | No | Yes | Yes | No | No | |
| Year | Month | | | | | | | Total Paid |
| 1997 | February | | | | | $20 | $4 | $24 |
| 1997 | March | | | | | $20 | $5 | $25 |
| 1997 | April | | | | | $20 | $2 | $22 |
| 1997 | May | | | | | $25 | $5 | $30 |
| 1997 | June | | | | | $25 | $6 | $31 |
| 1997 | July | | | | | $25 | $12 | $37 |
| 1997 | August | | | | | $25 | $6 | $31 |
| 1997 | September | | | | | $25 | $4 | $29 |
| 1997 | October | | | | | $25 | $4 | $29 |
| 1997 | November | | | | | $25 | $3 | $28 |
| 1997 | December | | | | | $25 | $2 | $27 |
| 1998 | January | | | | | $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**

| | | Standby Charge | Ready-to-Serve Charge | Connection Charge | Facilities Charge | Meter Base Charge | Meter Usage Charge | |
|---|---|---|---|---|---|---|---|---|
| Receive Water Service | | No | No | Yes | Yes | Yes | Yes | |
| Contribution in Aid of Construction | | No | No | Yes | Yes | No | No | |
| Year | Month | | | | | | | Total Paid |
| 1997 | February | $7 | | | | | | $7 |
| 1997 | March | $7 | | | | | | $7 |
| 1997 | April | | $12 | | | | | $12 |
| 1997 | May | | | $300 | $4,500 | $25 | $5 | $4,830 |
| 1997 | June | | | | | $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. 00-17-135 (General Order No. R-473, Docket No. UW-991634), § 480-110-255, filed 8/21/00, effective 9/21/00; 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). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference. 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, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-275, filed 8/26/02, effective 9/26/02. 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.

(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 Establishing credit and deposits.** (1) **Establishing credit - residential.** A company may not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another water company for twelve months before the application date and:

(i) Service was not disconnected for nonpayment;

(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be 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.

(e) The applicant personally produces at the 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) **Establishing credit - nonresidential.** A company may require an applicant for nonresidential water service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

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

(b) The applicant's service from another water company was disconnected for failure to pay amounts owing when due during the twelve months before the application date;

(c) The applicant has 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 on the applicant by any water company during the prior twelve months; or

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

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings 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 company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

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

(i) The company has not started a disconnection process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) 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) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-110-335, filed 10/16/02, effective 1/1/03. 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 representations, 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 commission 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.

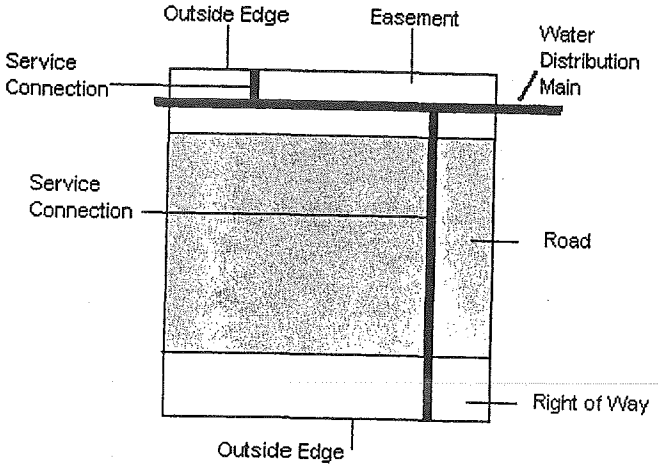
(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(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. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-485, filed 8/26/02, effective 9/26/02. 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.]

**WAC 480-110-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-275, Accounting, and reporting requirements and regulatory fees.

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-110-485, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-999, filed 8/26/02, effective 9/26/02.]

## Chapter 480-120 WAC
## TELEPHONE COMPANIES

WAC

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480-120-010 Application of rules. [Order R-5, § 480-120-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-011.

480-120-020 Saving clause. [Order R-5, § 480-120-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-016.

480-120-022 Classification proceedings. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-022, filed 11/7/85.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-023 Content of petition for classification of competitive telecommunications services and companies. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-023, filed 11/7/85.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-024 Waiver of regulatory requirements for competitive telecommunications companies. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-024, filed 11/7/85.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.10.040.

480-120-025 Investigations. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-025, filed 11/7/85.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-027 Price lists. [Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-120-027, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 80.01.040. 89-12-038 (Order R-301, Docket No. U-88-1704-R), § 480-120-027, filed 6/1/89; 87-24-055 (Order R-282, Cause No. U-86-125), § 480-120-027, filed 11/30/87.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-029 Accounting requirements for competitively classified companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-029, filed 7/11/01, effective 8/11/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-030 Definition of terms as used in these rules. [Order R-5, § 480-120-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-021.

480-120-031 Accounting. [Statutory Authority: RCW 80.01.040. 93-07-089 (Order R-386, Docket No. UT-921167), § 480-120-031, 3/22/93, effective 4/22/93; 91-19-090 (Order R-349, Docket No. UT-910385), § 480-120-031, filed 9/17/91, effective 10/18/91; 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-031, filed 4/15/91, effective 5/16/91; 89-23-048 (Order R-311, Docket No. U-89-2864-R), § 480-120-031, filed 11/13/89, effective 12/14/89; 87-24-056 (Order R-278, Cause No. U-87-1144-R), § 480-120-031, filed 11/30/87; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-031,

filed 6/27/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-031, filed 11/7/85; Order R-25, § 480-120-031, filed 5/5/71.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-032 Expenditures for political or legislative activities. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-032, filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-120-032, filed 2/5/86.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-033 Reporting requirements for competitively classified companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-033, filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-120-033, filed 12/15/89, effective 1/15/90; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-033, filed 6/27/86.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-036 Finance—Securities, affiliated interests, transfer of property. [Order R-25, § 480-120-036, filed 5/5/71.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-040 Tariffs. [Order R-5, § 480-120-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-026.

480-120-041 Availability of information. [Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-041, filed 1/31/89. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-041, filed 11/7/85; Order R-86, § 480-120-041, filed 6/30/76; Order R-25, § 480-120-041, filed 5/5/71. Formerly WAC 480-120-070.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-042 Directory service. [Statutory Authority: RCW 80.01.040. 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-042, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-042, filed 11/7/85; Order R-92, § 480-120-042, filed 2/9/77.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-043 Notice to the public of tariff changes. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-043, filed 4/4/01, effective 5/5/01.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 12/12/02. Statutory Authority: RCW 80.01.040 and 80.04.180; and repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-045 Local calling areas. [Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180. 99-01-076 (Order R-453, Docket No. UT-970545), § 480-120-045, filed 12/15/98, effective 1/15/99.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-046 Service offered. [Statutory Authority: RCW 80.01.040. 83-11-020 (Cause No. U-83-22 and Order R-204), § 480-120-046, filed 5/11/83. Order R-32, § 480-120-046, filed 11/26/71; Order R-25, § 480-120-046, filed 5/5/71. Formerly WAC 480-120-100, 480-120-110, 480-120-120 and 480-120-330.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-050 Classification of accounts. [Order R-5, § 480-120-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-051 Availability of service—Application for and installation of service. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-051, filed 2/26/93, effective 3/29/93; Order R-93, § 480-120-051, filed 2/9/77; Order R-25, § 480-120-051, filed 5/5/71. Formerly WAC 480-120-090.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-052 Prepaid calling services. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-056 Establishment of credit. [Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-056, filed 9/22/94, effective 10/23/94; 88-13-099 (Order R-287, Cause No. U-87-1611-R), § 480-120-056, filed 6/21/88. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-056, filed 11/7/85. Statutory Authority: RCW 80.01.040. 85-04-036 (Order R-219, Cause No. U-84-69), § 480-120-056, filed 2/1/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71. Formerly WAC 480-120-130.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-057 Deposit or security—Interexchange telecommunications companies. [Statutory Authority: RCW 80.01.040. 92-01-114 (Order R-352, Docket No. UT-910787), § 480-120-057, filed 12/18/91, effective 1/18/92; 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-057, filed 5/12/86, effective 7/31/86.] Repealed by 02-21-067 (Docket No. UT-990146, General Order No. R-503), filed 10/16/02, effective 11/16/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-058 Protection of customer prepayments. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-060 Annual reports. [Order R-5, § 480-120-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-066 Contract for service. [Statutory Authority: RCW 80.01.040. 85-21-025 (Order R-243, Cause No. U-85-35), § 480-120-066, filed 10/10/85; Order R-25, § 480-120-066, filed 5/5/71.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-070 Information—Available. [Order R-5, § 480-120-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-041.

480-120-076 Underground. [Order R-25, § 480-120-076, filed 5/5/71.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-080 Filing of records and reports. [Order R-5, § 480-120-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.

480-120-081 Discontinuance of service. [Statutory Authority: RCW 80.01.040. 95-05-003 (Order R-426, Docket No. UT-941642), § 480-120-081, filed 2/1/95, effective 3/4/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-081, filed 9/22/94, effective 10/23/94; 85-18-

011 (Order R-233, Cause No. U-85-35), § 480-120-081, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-081, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71. Formerly WAC 480-120-140 and 480-120-150.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-086 Adequacy of service. [Order R-91, § 480-120-086, filed 2/9/77; Order R-25, § 480-120-086, filed 5/5/71. Formerly WAC 480-120-200, 480-120-230, 480-120-240, 480-120-250, 480-120-260, 480-120-290 and 480-120-300.] Repealed by 93-06-055 (Order R-384), Docket No. UT-921192), filed 2/26/93, effective 3/29/93. Statutory Authority: RCW 80.01.040.

480-120-087 Telephone solicitation. [Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-120-087, filed 9/1/92, effective 10/2/92; 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-087, filed 11/17/86.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-088 Automatic dialing-announcing devices. [Statutory Authority: RCW 80.01.040. 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-088, filed 11/17/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-088, filed 11/7/85. Statutory Authority: RCW 80.01.040. 84-09-054 (Order R-212, Cause Nos. U-83-51 and U-83-56), § 480-120-088, filed 4/17/84. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-088, filed 2/28/79.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-089 Information delivery services. [Statutory Authority: RCW 80.01.040. 88-18-011 (Order R-288, Docket No. U-88-1798-R), § 480-120-089, filed 8/26/88, effective 10/1/88.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-090 Application for service. [Order R-5, § 480-120-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-051.

480-120-091 Farmer lines. [Order R-25, § 480-120-091, filed 5/5/71. Formerly WAC 480-120-270.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-096 Grounded circuits. [Order R-25, § 480-120-096, filed 5/5/71. Formerly WAC 480-120-280.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

480-120-100 Classes of service. [Order R-5, § 480-120-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-101 Complaints and disputes. [Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-101, filed 9/22/94, effective 10/23/94; Order R-86, § 480-120-101, filed 6/30/76; Order R-25, § 480-120-101, filed 5/5/71. Formerly WAC 480-120-180.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-106 Form of bills. [Statutory Authority: RCW 80.01.040. 98-02-003 (Order R-447, Docket No. UT-961295), § 480-120-106, filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-106, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-106, filed 1/31/89. Statutory Authority: RCW 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71. Formerly WAC 480-120-210.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-110 Types of service. [Order R-5, § 480-120-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-111 Dispute as to bills. [Order R-25, § 480-120-111, filed 5/5/71. Formerly WAC 480-120-220.] Repealed by Order R-86, filed 6/30/76.

480-120-116 Refund for overcharge. [Order R-25, § 480-120-116, filed 5/5/71.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-120 Grades of service. [Order R-5, § 480-120-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-121 Responsibility for delinquent accounts. [Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-121, filed 9/18/79; Order R-25, § 480-120-121, filed 5/5/71. Formerly WAC 480-120-160.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-126 Safety. [Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-126, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-126, filed 5/5/71. Formerly WAC 480-120-310.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-130 Deposits. [Order R-5, § 480-120-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-056.

480-120-131 Reports of accidents. [Order R-25, § 480-120-131, filed 5/5/71. Formerly WAC 480-120-320.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-136 Retention and preservation of records and reports. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-136, filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-136, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-136, filed 5/5/71. Formerly WAC 480-120-080 and 480-120-190.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-137 Customer-owned pay telephones—Interstate. [Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-137, filed 4/15/91, effective 5/16/91; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-137, filed 9/20/85.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-138 Pay phone service providers (PSPs). [Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-138, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-138, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-138, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040. 90-08-010 (Order R-316, Docket No. U-89-3323-R), § 480-120-138, filed 3/23/90, effective 4/23/90; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-138, filed 9/20/85.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-139 Changes in local exchange and intrastate toll services. [Statutory Authority: RCW 80.01.040(4), 80.04.160. 00-03-047 (Order R-468, Docket No. UT-980675), §

480-120-139, filed 1/14/00, effective 2/14/00, except (5) and (5)(a) effective 3/1/00. 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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-140 Discontinuance of service by subscriber. [Order R-5, § 480-120-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.

480-120-141 Operator service providers (OSPs). [Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-141, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 95-10-039 (Order R-430, Docket No. UT-950134), § 480-120-141, filed 4/28/95, effective 5/29/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-141, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-20-162 (Order R-348, Docket No. UT-910828), § 480-120-141, filed 10/2/91, effective 11/2/91; 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-141, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-141, filed 1/31/89.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-142 Alternate operator services—Enforcement. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 90-24-090 (Order R-332, Docket No. UT-900733), § 480-120-142, filed 12/5/90, effective 1/5/91.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-143 Local service to aggregators. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-143, filed 6/18/91, effective 7/19/91.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-144 Use of privacy listings for telephone solicitation. [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.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-150 Discontinuance of service by utility. [Order R-5, § 480-120-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.

480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). [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.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). [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.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-153 Safeguards required for use of customer proprietary network information (CPNI). [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.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-154 Definitions. [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.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-160 Responsibility for delinquent accounts. [Order R-5, § 480-120-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-121.

480-120-170 Line extension policy. [Order R-5, § 480-120-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-071.

480-120-180 Complaints. [Order R-5, § 480-120-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-101.

480-120-190 Records. [Order R-5, § 480-120-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.

480-120-200 Directories. [Order R-5, § 480-120-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-210 Subscriber billing. [Order R-5, § 480-120-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-106.

480-120-220 Dispute as to bills. [Order R-5, § 480-120-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-111.

480-120-230 Adequacy of service. [Order R-5, § 480-120-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-240 Dial service requirements. [Order R-5, § 480-120-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-250 Answering time—Manual toll offices. [Order R-5, § 480-120-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-260 Intercept. [Order R-5, § 480-120-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-270 Farmer lines. [Order R-5, § 480-120-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-091.

480-120-280 Grounded circuits. [Order R-5, § 480-120-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-096.

480-120-290 Maintenance of plant and equipment. [Order R-5, § 480-120-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-300 Interruptions of service. [Order R-5, § 480-120-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-310 Safety. [Order R-5, § 480-120-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-126.

480-120-320 Reports of accidents. [Order R-5, § 480-120-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-131.

480-120-330 Credit cards. [Order R-5, § 480-120-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-340 911 Obligations of local exchange companies. [Statutory Authority: RCW 80.01.040. 92-03-049 (Order R-365, Docket No. UT-911238), § 480-120-340, filed 1/10/92, effective 2/10/92.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base—When permitted. [Statutory Authority: RCW 80.01.040. 93-11-026 (Order R-387, Docket No. UT-930036), § 480-120-350, filed 5/7/93, effective 6/7/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-400 Purpose. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-400, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-405 Definition of extended area service. [Statutory Authority: RCW 80.01.040. 96-23-070 (Order R-438, Docket No. UT-960687), § 480-120-405, filed 11/20/96, effective 12/21/96. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-405, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-410 Local calling capability. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-410, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-415 Determination of extended area service routes. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-415, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-420 Revenue requirements and rate design. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-420, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-425 Community calling fund. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-425, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-430 Impact on current compensation arrangements. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-430, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-435 Petition for waiver. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-435, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-500 Telecommunications service quality—General requirements. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-500, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-505 Operator services. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-505, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-510 Business offices. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-510, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-515 Network performance standards applicable to local exchange companies. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-515, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-520 Major outages and service interruptions. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-520, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-525 Network maintenance. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-525, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-530 Emergency services. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-530, filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.01.040. 95-09-002 (Order R-428, Docket No. UT-941292), § 480-120-530, filed 4/6/95, effective 5/7/95; 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-530, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-531 Emergency operation. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-531, filed 7/11/01, effective 8/11/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-535 Service quality performance reports. [Statutory Authority: RCW 80.01.040. 93-06-055 and 93-14-119 (Orders R-384 and R-389, Docket No. UT-921192), § 480-120-535, filed 2/26/93 and 7/2/93, effective 3/29/93 and 8/2/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-541 Access charges. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-541, filed 4/4/01, effective 5/5/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-542 Collective consideration of Washington intrastate rate, tariff, or service proposals. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-542, filed 4/4/01, effective 5/5/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-543 Caller identification service. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-543, filed 4/4/01, effective 5/5/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-544 Mandatory cost changes for telecommunications companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-544, filed 4/4/01, effective 5/5/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-545 Severability. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-545, filed 7/11/01, effective 8/11/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

## PART I. GENERAL RULES

**WAC 480-120-011 Application of rules.** (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) The tariffs and price lists filed by companies must conform to these rules. If the commission accepts a tariff or price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC). Tariffs or price lists that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a company or customer by posing an informal complaint under WAC 480-09-150 (Informal complaints), or by filing a formal complaint under WAC 480-09-420 (Pleading and briefs—Application for authority—Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-011, filed 12/12/02, effective 7/01/03; 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-011, filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-011, filed 11/7/85; Order R-25, § 480-120-011, filed 5/5/71. Formerly WAC 480-120-010.]

**WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC.** (1) The commission may grant an exemption from the provisions 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 provide a full explanation of the reason for requesting the exemption. In addition to any other reason, parties may allege force majeure was the factor leading to the request for waiver.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-015, filed 12/12/02, effective 7/1/03; 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-015, filed 7/11/01, effective 8/11/01.]

**WAC 480-120-016 Additional requirements.** (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-016, filed 7/11/01, effective 8/11/01; Order R-25, § 480-120-016, filed 5/5/71. Formerly WAC 480-120-020.]

**WAC 480-120-017 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and R-507A), § 480-120-017, filed 12/12/02 and 1/16/03, effective 7/1/03.]

**WAC 480-120-019 Telecommunications performance requirements—Enforcement.** The commission may enforce the performance requirements set forth in this chapter by imposing administrative penalties under RCW 80.04.405, 80.04.380, or other appropriate penalty statutes. These performance requirements are not intended to establish civil duties owed to any individual or class for any other purpose.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and R-507A), § 480-120-019, filed 12/12/02 and 1/16/03, effective 7/1/03.]

**WAC 480-120-021 Definitions.** The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

**"Access charge"** means a rate charged by a local exchange carrier to an interexchange carrier for the origination, transport, or termination of a call to or from a customer of the local exchange carrier. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

**"Access line"** means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

**"Affiliate"** means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

**"Ancillary services"** means all local service features excluding basic service.

**"Applicant"** means any person applying to a telecommunications company for new service or reconnection of discontinued service.

**"Average busy hour"** means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Basic service"** means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

**"Business"** means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

**"Business days"** means days of the week excluding Saturdays, Sundays, and official state holidays.

**"Business office"** means an office or service center provided and maintained by a company.

**"Business service"** means service other than residential service.

**"Busy season"** means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

**"Call aggregator"** means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

**"Call detail"** has the meaning found in WAC 480-120-201.

**"Category of service"** means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

**"Central office"** means a company facility that houses the switching and trunking equipment serving a defined area.

**"Centrex"** means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

**"Class A company"** means a local exchange company with two percent or more of the access lines within the state of Washington.

**"Class B company"** means a local exchange company with less than two percent of the access lines within the state of Washington.

**"Commercial mobile radio service (CMRS)"** 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.

**"Commission (agency)"** in a context meaning a state agency, means the Washington utilities and transportation commission.

**"Company"** means any telecommunications company as defined in RCW 80.04.010.

**"Competitively classified company"** means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

**"Customer"** means a person to whom the company is currently providing service.

**"Customer premises equipment (CPE)"** is equipment located on the customer side of the SNI (other than a carrier) and used to originate, route, or terminate telecommunications.

**"Customer proprietary network information (CPNI)"** has the meaning found in WAC 480-120-201.

**"Discontinue; discontinuation; discontinued"** means the termination of service to a customer.

**"Drop facilities"** means company-supplied wire and equipment placed between a premises and the company distribution plant at the applicant's property line.

**"Due date"** means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

**"Emergency response facility"** means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

**"Exchange"** means a geographic area established by a company for telecommunications service within that area.

**"Extended area service (EAS)"** means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

**"Facility or facilities"** means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

**"Force majeure"** means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

**"Interexchange"** means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

**"Interexchange company"** means a company, or division thereof, that provides long distance (toll) service.

**"Interoffice facilities"** means facilities connecting two or more telephone switching centers.

**"InterLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

**"IntraLATA"** is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

**"Local access and transport area (LATA)"** means a local access transport area as defined by the commission in conformance with applicable federal law.

**"Local calling area"** means one or more rate centers within which a customer can place calls without incurring long-distance (toll) charges.

**"Local exchange company (LEC)"** means a company providing local exchange telecommunications service.

**"Major outages"** means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand subscribers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

**"Missed commitment"** means orders for exchange access lines for which the company does not provide service by the due date.

**"Order date"** means the date when an applicant requests service unless a company identifies specific actions a customer must first take in order to be in compliance with tariffs, price lists, or commission rules. Except as provided in WAC 480-120-061 and 480-120-104, when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff or price list. In the event the applicant fails to provide the support structure or perform the other requirements of the tariff or price list, a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff or price list.

**"Pay phone"** or **"pay telephone"** means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

**"Pay phone services"** means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

**"Pay phone service provider (PSP)"** means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

**"Payment agency"** means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

**"Person"** means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

**"Prior obligation"** means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment.

**"Private account information"** means customer proprietary network information that is associated with an identifiable individual.

**"Proprietary"** means owned by a particular person.

**"Provision"** means supplying telecommunications service to a customer.

**"Public access line (PAL)"** means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

**"Public safety answering point (PSAP)"** means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

**"Residential service"** means basic service to a household.

**"Restricted basic service"** means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

**"Results of operations"** means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

**"Service interruption"** means a loss of or impairment of service that is not due to, and is not, a major outage.

**"Service provider"** means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

**"Special circuit"** means an access line specially conditioned to give it characteristics suitable for handling special or unique services.

**"Standard network interface (SNI)"** means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

**"Station"** means a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

**"Subscriber list information (SLI)"** means any information:

(a) Identifying the listed names of subscribers of a company 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 company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**"Support structure"** means the trench, pole, or conduit used to provide a path for placement of drop facilities.

**"Telecommunications-related products and services"** means:

(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or

(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information; or

(c) Equipment employed on the premises of a person to originate, route, or terminate telecommunications.

**"Telecommunications service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

**"Telemarketing"** means contacting a person by telephone in an attempt to sell one or more products or services.

**"Toll restriction"** or **"toll restricted"** means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

**"Traffic"** means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

**"Trouble report"** means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

**"Trunk"** means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-021, filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-021, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-021, filed 2/26/93, effective 3/29/93. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-021, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-021, filed 1/31/89. Statutory Authority: RCW 80.01.040. 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-021, filed 5/12/86, effective 7/31/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-021, filed 11/7/85. Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-021, filed 9/18/79. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-021, filed 2/28/79; Order R-25, § 480-120-021, filed 5/5/71. Formerly WAC 480-120-030.]

**WAC 480-120-026 Tariffs and price lists.** Companies must file tariffs and price lists in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-026, filed 7/11/01, effective 8/11/01; Order R-25, § 480-120-026, filed 5/5/71. Formerly WAC 480-120-040.]

**WAC 480-120-028 Registration.** Companies must file registration applications as required by RCW 80.36.350 and in accordance with chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-028, filed 7/11/01, effective 8/11/01.]

**WAC 480-120-061 Refusing service.** (1) A company may refuse to connect with, or provide service to, an applicant under the following conditions:

(a) When service will adversely affect the service to existing customers.

(b) When the installation is considered hazardous.

(c) When the applicant has not complied with commission rules, company tariff or price list, and state, county, or municipal codes concerning the provision of telecommunications service such as building and electrical codes.

(d) When the company is unable to substantiate the identity of the individual requesting service.

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification.

(ii) Company business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant.

(e) When the applicant has previously received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, or use of an alias or false name with intent to deceive, until the applicant corrects the false information to the satisfaction of the company.

(f) When the applicant owes an overdue, unpaid prior obligation to the company for the same class of service, until the obligation is paid or satisfactory arrangements are made.

(g) When the applicant requests service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and the company determines, based on objective evidence, that the applicant has cooperated with the prior customer with the intent to avoid payment. However, a company may not deny service if a former cus-

tomer with an overdue, unpaid prior obligation has permanently vacated the address.

(h) When all necessary rights of way, easements, and permits have not been secured. The company is responsible for securing all necessary public rights of way, easements, and permits, including rights of way on every highway as defined in RCW 36.75.010(11) or created under RCW 36.75.070 or 36.75.080. The applicant is responsible for securing all necessary rights of way or easements on private property, including private roads or driveways as defined in RCW 36.75.010(10). A private road or driveway is one that has been ascertained by the company not to be public.

(2) A company may not withhold or refuse to release a telephone number to a customer who is transferring service to another telecommunications company within the same rate center where local number portability has been implemented.

(3) A telecommunications company must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from another telecommunications company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public. If the service is intended for hire, sale, or resale on an intrastate basis, the company must certify in writing, in the same manner as required by RCW 9A.72.085, that it is properly registered with the commission to provide the service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-061, filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-061, filed 9/22/94, effective 10/23/94; 92-01-115 (Order R-353, Docket No. UT-910788), § 480-120-061, filed 12/18/91, effective 1/18/92; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-061, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

**WAC 480-120-071 Extension of service.** (1) **Definitions.** The following definitions apply to this section unless the context clearly indicates otherwise:

"Basic monthly service rate" means the rate for nonmeasured service for the lowest-priced class of service ordered by the applicant.

"Binding site plan" has the same meaning as "binding site plan" in RCW 58.17.020.

"Constructed" means a residential building that has been approved for occupancy by the appropriate local government agency.

"Cost justification" means such cost and engineering information as the commission may request.

"Cost of service extension" means the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, drop wire, permitting fees, rights-of-way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.

"Development" has the same meaning as "development" and "developed lands" in RCW 58.19.020.

"Distribution plant" means telephone equipment and facilities necessary to provide service to a premises, but does not include drop wire.

"Drop wire" means company-supplied wire and pedestals to be placed between a premise and the company distribution plant at the applicant's property line. For drop wire installed after the effective date of this section, a drop wire must be sufficient in capacity to allow the provisioning of three individual basic exchange voice-grade access lines.

"Extension of service" means an extension of company distribution plant to a location that is outside any municipal boundary and where no distribution plant of the extending company exists at the time an extension is requested, that is constructed at the request of one or more applicants for service who pay a charge under this section, and that extends more than 1/10 mile. Extensions of service do not include customer trenches, conduits or other support structure for placement of company-provided facilities from the customer property line to the premises to be served.

"Filed" means the approved plat, short plat, binding site plan or other similar approved instrument filed for record with a county auditor and authorizing development activity.

"Lot" has the same meaning as "lot" in RCW 58.17.020.

"Marina" has the same meaning as "marina" in RCW 88.12.010.

"Mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have the same meanings as "mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have in RCW 59.20.030.

"Neighboring exchange" means an exchange bordering on any other exchange.

"Premises" means any structure that is used as a residence, including farm houses, but does not include predominantly commercial or industrial structures.

"Radio communications service company" has the meaning contained in RCW 80.04.010.

"Residential buildings" has the same meaning as "residential buildings" in RCW 58.19.020.

"Short subdivision" has the same meaning as "short subdivision" in RCW 58.17.020.

"Subdivision" has the same meaning as "subdivision" in RCW 58.17.020.

"Temporary occupancy" means occupancy definitely known to be for less than one year but does not include intermittent or seasonal use when such intermittent or seasonal use will occur in more than a one-year period.

"Temporary service" means service definitely known to be for a short period of time, such as service provided for sales campaigns, athletic contests, conventions, fairs, circuses, and similar events.

(2) **Extensions of service.**

(a) Each company required to file tariffs under RCW 80.36.100 must have on file an extension of service tariff and must extend service consistent with its tariff and this section and provide drop wire for customer use. Service extensions must be completed within eighteen months after a request is made and the customer makes the initial payment, unless the commission extends the time on a showing of good cause.

(b) Extension of service is required to occupied premises unless the company demonstrates occupancy is temporary. In the case of new construction commenced after the effective date of this section, extension of service is required only if the applicant has permission to build from the applicable local government and the need for service is not temporary.

(c) Any company required to extend service under this section may do so by extending distribution plant or by making a service and financial agreement with a radio communications service company or other alternative provider to provide service. The services provided through a radio communications service company or other alternative provider must be reasonably comparable services at reasonably comparable prices compared to services provided through wireline distribution facilities in the area of the exchange where service has been requested. In addition, the services must include all elements of basic service defined in RCW 80.36.600. A company extending service through a service agreement with a radio communications service company or other alternative provider may file a tariff as permitted under subsection (4) of this section to recover the lesser of the actual direct cost to extend the service through the cooperative agreement or the direct cost of extending wireline distribution plant.

(3) **Service extension charge to applicants.**

(a) For service provided under subsection (2) of this section, companies must submit a tariff that sets the level of an initial fee and per-month fee for any applicant requesting an extension of service. The tariff may also impose such fees upon applicants for new service from a service extension that is less than five years old measured from the date of the initial service provided by the extension. The charge to applicants for service extensions must include an initial payment to process the order. The maximum initial payment to process the order is an amount equal to twenty times the customer's basic monthly service rate exclusive of all fees, taxes or other charges.

A per-month payment beginning with the first monthly bill for service must be charged once the order is complete and service is provided. The maximum allowable per-month payment for a period of twenty months is an amount equal to the customer's basic monthly service rate, exclusive of all fees, taxes or other charges. Customers may pay the entire amount at any time, in lieu of monthly payments, and must pay the entire remaining amount at the time of disconnecting service if the disconnection occurs prior to full payment.

(b) Customers are responsible for providing or paying the cost of trenching, conduit, or other structures required for placement of company-provided drop wire from the customer's property line to the premises.

(4) **Cost recovery for extensions of service.**

(a) A company with a terminating-access tariff under WAC 480-120-540 and a service-extension tariff imposing fees or charges under subsection (3) of this section may file tariffs to include a service-extension element on terminating access in an amount necessary to recover the cost of an extension of service. The tariff may not recover costs covered by applicant or customer payments for service extensions, federal universal service funds, or any similar funds or grants from other sources. The company must file the tariff to be effective only so long as necessary to recover the costs allowed under this section.

(b) Companies may recover costs by filing a tariff under (b)(i) or (ii) of this subsection. In the case of companies that serve fewer than two percent of the access lines in the state, placement of the tariff on the agenda of a commission open meeting constitutes notice of an opportunity to be heard on the need for any reporting requirements related to a tariff based on estimated costs.

(i) A company may file a proposed tariff to recover fifty percent of the estimated cost of an extension after it obtains all permits necessary for construction related to the extension of service. Extensions of service must be completed within twelve months of the effective date of a tariff that uses estimated costs. The tariff based on estimates is null and void at the end of that twelve-month period if the extension of service is not completed however, the commission, for good cause shown, may permit the tariff based on estimates to remain in effect after twelve months. If the commission does not permit the tariff based on estimates to continue, the company must within thirty days of the commission's decision or the end of the twelve-month period, whichever is later, file a replacement tariff to offset the amounts collected. After completion of an extension subject to a tariff based on estimated costs, the company may file a tariff to recover the cost of the extension less any amount already recovered or, in the event of an over-collection, must file a tariff to reduce terminating access sufficient to offset the amount over-collected through the initial tariff.

Class A companies that have in effect a service-extension tariff based on estimated costs must report quarterly on collections, expenditures, and construction timetables and progress, including a final report after completion of the extension and termination of the tariff. Companies that serve fewer than two percent of the access lines in the state and that have in effect a service-extension tariff based on estimated costs must make the same report every six months if ordered by the commission.

(ii) A company may file a tariff to recover the cost of a service extension at any time within two years after completion of an extension and may accumulate the cost of multiple line extensions before filing a tariff.

(c) The commission will review the cost justification for the tariffs and approve the tariffs if they are consistent with this section. The commission will not conduct an earnings review of the company's operations for the purpose of reviewing the proposed tariffs.

(5) **Extension of service to neighboring exchange facilities.**

(a) A company that is willing to extend service to a neighboring exchange may recover under subsection (4) of this section the cost of an extension to a neighboring exchange if companies obligated to serve the neighboring exchange agree that the cost of a cross-boundary service extension would be less than the cost of extension within the applicants' exchange and agree to the cross-boundary extension.

(b) In the case of a cross-boundary extension, an applicant will become a customer of the extending company. The customer's rates and local calling capabilities must be the

same as other customers served out of the extending company's same central office.

(c) The newly constructed facilities will be the property of the extending company, but the exchange boundary will remain unchanged.

(d) The charge to the customer shall be determined in accordance with subsection (3) of this section.

(6) **Extensions to developments.** The cost of extensions to developments should be borne by those who gain economic advantage from development and not by ratepayers in general. This policy promotes the economic good of having telephone infrastructure placed at the same time as other infrastructure is constructed as a part of development. Accordingly, local exchange companies may not recover under subsection (4) of this section the costs of extensions to serve the following:

(a) Developments filed after the effective date of this rule for which a public offering statement is required under chapter 58.19 RCW;

(b) Divisions of land filed after the effective date of this rule that use binding site plans under RCW 58.17.035 to create five or more lots or units;

(c) Subdivisions filed after the effective date of this rule;

(d) Short subdivisions with five or more lots filed after the effective date of this rule;

(e) Developments filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(f) Divisions of land using binding site plans under chapter 58.17 RCW with five or more lots or units filed prior to the effective date of this rule, in which all lots, units or both were under common ownership and control on the effective date of this rule, and in which no residential buildings or commercial or industrial buildings were constructed after the division of land and prior to the effective date of this rule;

(g) Subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(h) Short subdivisions with five or more lots filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(i) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed after the effective date of this rule;

(j) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were placed or constructed after the division of land and prior to the effective date of this rule;

(k) Marinas;

(l) Camping resorts regulated under chapter 19.105 RCW;

(m) Condominiums regulated under chapters 64.32 and 64.34 RCW;

(n) Timeshares regulated under chapter 64.36 RCW.

(7) **Waiver of obligation under this section.**

(a) The commission retains the authority under RCW 80.36.090 to determine whether any applicant for service is not reasonably entitled to service and whether the local exchange company is not obligated to provide service to an applicant under subsection (2)(b) of this section. In determining the reasonable entitlement, the commission may consider those factors listed in (b)(ii)(A) through (G) of this subsection and such other information that it may consider necessary to a proper determination.

(b) Waiver of subsection (3)(a) of this section:

(i) A company may petition for a waiver of subsection (3)(a) of this section in order to charge an applicant the direct cost to extend service if it is unreasonable for the direct cost of the extension of service to be borne by rates permitted under subsection (4) of this section.

(ii) In determining whether cost recovery under subsection (4) of this section for an extension is unreasonable and granting a waiver is consistent with public interest, the commission will consider:

(A) The total direct cost of the extension;

(B) The number of customers to be served;

(C) The comparative price and capabilities of radio communication service or other alternatives available to customers;

(D) Technological difficulties and physical barriers presented by the requested extensions;

(E) The effect on the individuals and communities involved;

(F) The effect on the public switched network; and

(G) The effect on the company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.300. 00-24-097 (Order R-474, Docket No. UT-991737), § 480-120-071, filed 12/5/00, effective 1/15/01; Order R-25, § 480-120-071, filed 5/5/71. Formerly WAC 480-120-170.]

**WAC 480-120-083 Cessation of telecommunications services.** (1) This rule applies to any telecommunications company that ceases the provision of any telecommunications service in all or any portion of the state (exiting telecommunications company). This rule does not apply to:

(a) Services offered by tariff that are subject to the statutory notice requirements of RCW 80.36.110 (Tariff Changes – Statutory Notice – Exception);

(b) Discontinuance of service to an individual customer in compliance with WAC 480-120-081 (Discontinuance of Service);

(c) Cessation of a service when the provider replaces the terminated service with comparable service without interruption. For example, the notice requirements of this rule do not apply when a local exchange carrier (LEC) providing Centrex-type service with one group of features replaces that service, without interruption, with a version of Centrex-type service that has a different group of features; and

(d) A service being discontinued that has no subscribers.

Changes in customers' service providers for local exchange and intrastate toll services when there is a cessation of service are also subject to WAC 480-120-139 (changes in local exchange and intrastate toll services).

(2) No telecommunications company may cease the provision of any telecommunications service in all or any portion of the state unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

(a) The commission;

(b) The state 911 program, in the instance of local exchange service, private branch exchange service (PBX), Centrex-type service, or private line service used in the provision of emergency services related to the state 911 program;

(c) Each of its customers, including customers that are telecommunications companies;

(d) Incumbent local exchange carriers (ILECs) providing the exiting telecommunications company with unbundled network elements (UNEs) pursuant to the Telecommunications Act of 1996, 47 U.S.C. Section 151 *et seq.*, if UNEs or combinations of UNEs are part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(e) Each telecommunications company providing the exiting telecommunications company with resold telecommunications service, if resold service is part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(f) The national number administrator authorizing the release of all assigned telephone numbers to other telecommunications companies and releasing all unassigned telephone numbers to the number administrator.

(3) The notice to the commission and the state 911 program required in subsections (2)(a) and (b) must include:

(a) The name of the exiting telecommunications company;

(b) For each category of service, the date each telecommunications service will cease; and

(c) The number of customers for each telecommunications service and their location, described by exchange or by city and county for each telecommunications service being ceased.

(4) The notice to customers required in subsection (2)(c) must include:

(a) The date telecommunications service will cease;

(b) Information on how to contact the exiting telecommunications company by telephone in order to obtain information needed to establish service with another provider;

(c) An explanation of how customers may receive a refund on any unused service. The exiting telecommunications company must provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days after the date of cessation of service.

(d) A second notice provided by one of the two options listed below:

(i) Between ten and thirty days before cessation of service, the exiting telecommunications company must complete one direct call advising every customer of the cessation of service, including the date of cessation of service and a number to call for more information, if necessary. A direct call means a call in which the company leaves a recorded voice message for or speaks directly to the responsible party or its agent on the billing account; or

(ii) At least ten days before cessation of service, the exiting telecommunications company must provide a second written notice of cessation of service including the date of cessation of service and a number to call for more information, if necessary; and

(e) A company may seek the commission's assistance in drafting the customer notices.

(5) The notice to ILECs required in subsection (2)(d) must include:

(a) The date telecommunications service will cease;

(b) Identification of the UNE components in relationship to the service information provided to the customer when such information differs from the ILEC's identification information as billed to the exiting telecommunications company. For example, if the ILEC identifies a UNE loop with a circuit identification number, the exiting telecommunications company must provide the ILEC with the customer telephone number assigned to the ILEC's UNE loop circuit identification number; and

(c) The telephone contact information to enable the ILEC or new provider to obtain UNE service and circuit identification information needed to establish service for a customer who will no longer receive service from the exiting telecommunications company.

(6) The notice to suppliers required in subsection (2)(e) must include:

(a) The date telecommunications service will cease;

(b) Identification of the resold service element components in relationship to the service information provided to the customer, when such information differs from the supplier's identification information as billed to the exiting telecommunications company; and

(c) Telephone contact information to enable the regulated supplier or new provider to obtain underlying service and circuit identification information needed to establish comparable replacement service for a customer who will no longer receive service from the exiting telecommunications company.

(7) The notice to the national number administrator required in subsection (2)(f) must include:

(a) Identification of all working telephone numbers assigned to customers;

(b) Identification of all unassigned or administrative numbers available for reassignment to other providers and the date such unassigned telephone numbers will be available for reassignment; and

(c) Authorization of the release of each individual assigned customer's telephone number(s) to subsequent providers selected by the customer.

(8) ILECs and telecommunications companies that are suppliers under subsection (6) must provide the information in the required notice(s) (if received) to the subsequent provider upon a request authorized by the customer.

(9) A telecommunications company ceasing a local exchange service, a PBX service, a Centrex-type service, or a

private line service used in the provision of emergency services related to the state 911 program must inform the commission and the state 911 program within twenty-four hours of the cessation of telecommunications service of the number of customers and their location, listed by exchange or by city and county, that remained as customers for the telecommunications service when service ceased.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-24-114 (General Order No. R-494, Docket No. UT-010558), § 480-120-083, filed 12/5/01, effective 1/5/02.]

## PART II. ESTABLISHING SERVICE AND CREDIT

**WAC 480-120-102 Service offered.** (1) Classes of service. The classes of service are business and residential. Each local exchange company (LEC) must file with the commission, as part of its tariff or price list, a description of the classes and types of service available to customers in each class. LECs must record for each access line whether local exchange service is residential or business class.

(2) Types of service. LECs must offer, at a minimum, flat-rate local exchange service. In addition, companies may offer service alternatives, such as measured service.

(3) Grade of service. Local exchange service offered by companies must be only one-party service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-102, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-103 Application for service.** (1) When contacted by an applicant, or when a company contacts a person, a company must:

(a) Accept and process applications when an applicant for service for a particular location has met all tariff or price list requirements and applicable commission rules;

(b) Establish the due date as the date requested by the applicant but is not required to establish a due date that is fewer than seven business days after the order date. If the company establishes a due date other than the date requested by the applicant, it must inform the applicant of the specific date when service will be provided or state that an estimated due date will be provided within seven business days as required by subsection (2) of this section; and

(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service.

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the company must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The standards imposed by WAC 480-120-105 and 480-120-112 are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(4) When the application for service requires a service extension as defined in WAC 480-120-071, the requirement of subsection (1)(b) of this section does not apply and, for the purpose of determining when an extension must be completed, the order date is the application date or six weeks prior to the date the customer makes the required initial payment, whichever is later.

When a service extension is required, the company must inform the customer within six weeks of a request for service that it will construct the extension and also request payment from the customer according to WAC 480-120-071, or inform the customer in writing that it will request an exemption from the commission pursuant to WAC 480-120-071(7).

In the event a company informs the customer it will request an exemption, the company must submit the request to the commission within four weeks of informing the customer of its decision. A copy of the exemption request must be mailed to the customer not later than the date the request is filed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-103, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-104 Information to consumers.** (1) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide an applicant for initial service with a confirming notice or welcome letter, either in writing or with permission of the customer, electronically. The confirming notice or welcome letter must be provided to the applicant or customer no later than fifteen days after installation of service and must provide, at a minimum:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, mailing address, repair number, electronic address if applicable, and business office hours, that the customer can contact if they have questions;

(b) Confirmation of the services being provided to the customer by the company, and the rate for each service. If the service is provided under a banded rate schedule, the current rate, including the minimum and maximum at which the customer's rate may be shifted; and

(c) If the application is for local exchange service, the LEC must either provide information required in WAC 480-120-251 (6)(a) through (f) or must inform the customer that additional information pertaining to local exchange service may be found in the consumer information guide of the local telephone directory as required in WAC 480-120-251.

(2) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide each customer a confirming notice, either in writing or, with permission of the customer, electronically, within fifteen days of initiating a material change in service which results in the addition of a service, a change from one rate schedule to another, or a change in terms or conditions of an existing service. The confirming notice must provide at a minimum, the following information in clear and conspicuous language:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY num-

ber, and business office hours, that customers can contact if they have questions; and

(b) The changes in the service(s), including, if applicable, the rate for each service.

(3) When a LEC is acting as an executing carrier under WAC 480-120-147, it must make the following information available upon request:

(a) The name of the intraLATA and interLATA interexchange company to which the customer's account is currently subscribed; and

(b) A minimum of six months' account history, when available, including the date of the changes and the name of the interexchange company.

(4) When an applicant or customer contacts the LEC to select or change an interexchange company, the LEC must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-104, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-105 Company performance standards for installation or activation of access lines.** (1) Except as provided in subsection (2) of this section, when an application is made consistent with WAC 480-120-103 (Application for service), the following standards for installation or activation of service apply:

(a) The local exchange company (LEC) must complete, within five business days after the order date, or by a later date requested by a customer, ninety percent of all orders of up to the initial five access lines received during each month;

(b) The LEC must complete ninety-nine percent of all orders of up to the initial five access lines received during each calendar quarter within ninety days after the order date, or by a later date requested by a customer; and

(c) The LEC must complete one hundred percent of all orders for access lines within one hundred eighty days after the order date, or by a later date requested by a customer.

(2) For purposes of determining the amount of penalties that shall apply if a LEC fails to complete the percent of orders required by subsection (1)(a), (b), and (c) of this section, each order that the LEC fails to complete in excess of the highest number of uncompleted orders that would not have triggered a violation shall be a separate violation. For example, using the ninety-nine percent completion rate under subsection (1)(b) of this section, if the LEC received one hundred orders in a quarter, and it completed only ninety-four of those orders, it would be deemed to have committed five separate violations, because it completed five less than required by the section. Violations of subsection (1)(a), (b), and (c) of this section will be determined separately, and each order is subject to all three parts.

(3) The timelines set forth in subsection (1)(a) of this section do not apply when force majeure prevents the installation or activation of service; and the timelines set forth in subsection (1) of this section do not apply when customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015. These orders will be excluded from both the numerator and denominator in calculating the percentage of orders completed.

(4) Unless the commission orders otherwise, subsection (1)(a) and (b) do not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-105, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-112 Company performance for orders for nonbasic services.** (1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this section does not apply when a later installation or activation is permitted under WAC 480-120-071 (Extending service), or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-112, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-122 Establishing credit—Residential services.** (1) This section applies only to the provision of residential services. A local exchange company (LEC) may require an applicant or customer of residential basic service to pay a local service deposit only in accordance with (a) through (e) of this subsection. For a LEC that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering.

(a) If the applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) If the applicant or customer has had basic service discontinued by any telecommunications company;

(c) If the applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) If the applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172; or

(e) If the applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172.

(2) A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for ancillary services.

(3) An interexchange company may, if provided for in its tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the following will apply:

(a) The customer may pay fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must be allowed the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when a customer makes full payment of the requested interexchange carrier deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined above in this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-122, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-123 Establishing credit—Business services.** (1) As set forth in this section, a company may require a business applicant or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(2) **Amount of deposit.** When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(3) **Deposit payment.** Companies may withhold regulated services until the deposit amount associated with such services is paid in full.

(4) **Deposit requirement notice.**

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice of the reasons for the request in writing to the customer, state the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (5) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery if the notice is delivered in person to the customer.

(5) **Deposit request for high toll.**

(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay a new or additional deposit amount to advanced toll charges when the customer's toll charges exceed the amount

currently held as an interexchange deposit, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The customer must be given the option to pay one of the following:

(i) All outstanding toll charges specified in the notice;

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-123, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-124 Guarantee in lieu of deposit.** When a residential applicant or customer cannot establish credit or cannot pay a deposit or deposit extended payments, the applicant or customer may furnish a guarantor who will secure payment of bills for service requested in a specified amount not to exceed the amount of required deposit. The company may require that the guarantor:

(1) Reside in the state of Washington;

(2) Currently have service with the company requesting the deposit; and

(3) Have an established satisfactory payment history for each class of service being guaranteed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-124, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-125 Deposit or security—Telecommunications companies.** A telecommunications company may be required to pay a reasonable deposit to another telecommunications company if it is unable to demonstrate satisfactory credit.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-21-067 (Docket No. UT-990146, General Order No. R-503), § 480-120-125, filed 10/16/02, effective 11/16/02.]

**WAC 480-120-127 Protecting customer prepayments.** As a precondition to registration, the commission may require a telecommunications company to file a performance bond sufficient to cover any prepayments it may collect from its customers, or order that such prepayments be held in escrow or trust, as stated in RCW 80.36.350.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-120-127, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-128 Deposit administration.** (1) **Transfer of deposit.** A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(3) **Refunding deposits for residential services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a customer when:

(a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and

(ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

(c) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no later than thirty days after satisfactory payment history is established or thirty days after the date the closing bill is issued when service is terminated.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-128, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-132 Business offices.** Each company must provide business offices or customer service centers that are accessible by telephone or in person. A business office or customer service center that serves more than one exchange must provide toll-free calling from each exchange to the office. Each business office or customer service center must be staffed by qualified personnel who can provide information relating to all services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as representatives of the company.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-132, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-133 Response time for calls to business office or repair center during regular business hours.** (1) Calls placed to a company's business or repair center during regular business hours must be answered either by a live representative or an automated call answering system.

(2) Companies that use an automated answering system must comply with the following requirements:

(a) Each month, the average time until the automated system answers a call must not exceed thirty seconds; and

(b) The automated system must provide a caller with an option to speak to a live representative within the first sixty seconds of the recorded message, or it must transfer the caller to a live representative within the first sixty seconds.

(i) A company may provide the live representative option by directing the caller to take an affirmative action (e.g., select an entry on the telephone) or by default (e.g., be transferred when the caller does not select an option on the telephone).

(ii) The recorded message must clearly describe the method a caller must use to reach a live representative.

(c) Each month, the average time until a live representative answers a call must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

(3) Companies that do not use an automated answering system must answer at least ninety-nine percent of call attempts, each month, within thirty seconds.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-133, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-146 Changing service providers from one local exchange company to another.** When a customer changes service providers from one local exchange company (LEC) to another, the LEC providing existing service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider. The LEC providing new service must supply prompt notice of activation. The requirements of this section do not apply if the customer submitted the cancellation order directly to the LEC providing existing service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-146, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-147 Changes in local exchange and intrastate toll services.** (1) **Verification of orders.** A local exchange or intrastate toll carrier that requests on behalf of a customer that the customer's carrier be changed, and that seeks to provide retail services to the customer (submitting carrier), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the customer's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency, whether written or electronic, must be signed and dated by the customer of the telephone line(s) requesting the preferred carrier change. The letter of agency shall not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the customer is authorizing a preferred carrier change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the customer. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm 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;

(iii) The customer's understanding of the change fee;

(iv) That the customer designates (name of carrier) to act as the customer's agent for the preferred carrier change;

(v) That the customer understands that only one telecommunications carrier may be designated as the customer's interstate preferred carrier; that only one telecommunications carrier may be designated as the customer's interLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred carrier, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred carrier.

(b) The submitting carrier has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred carrier is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm the preferred carrier change electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including 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 (e.g., the customer's date of birth). The independent third party must not be owned, managed, controlled or directed by the carrier or the carrier's marketing agent; and must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent. The content of the verification must include clear and unambiguous confirmation that the customer has authorized a preferred carrier change.

(2) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA toll, and interLATA toll) that carrier must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred carrier change must be retained by the submitting carrier, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission upon request and at no charge. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) **Implementing order changes.** An executing carrier may not verify directly with the customer the submission of a change in a customer's selection of a provider received from a submitting carrier. The executing carrier must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting carrier. An executing carrier is any telecommunications carrier that affects a request that a customer's carrier be changed.

This section does not prohibit any company from investigating and responding to any customer-initiated inquiry or complaint.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a customer's preferred carrier selection unless the customer gives the carrier from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in carrier selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

(d) All LECs must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written or electronic authorization stating the customer's intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting carrier to conduct a three-way conference call with the executing carrier and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing carrier must confirm appropriate verification data (e.g., the customer's date of birth), and the customer's intent to lift the freeze.

(e) A LEC may not change a customer's preferred carrier if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection.

(6) **Remedies.** In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule 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 customer 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.

(7) **Exceptions.** Companies transferring customers as a result of a merger, purchase of the company, or purchase of a specific customer base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected customer at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the customer's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the customer of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any carrier change charges associated with the transfer;

(iv) The customer's right to select a different company to provide the service(s);

(v) That the customer will be transferred even if the customer has selected a "freeze" on his/her carrier choices,

unless the customer chooses another carrier before the transfer date;

(vi) That, if the customer has a "freeze" on carrier choices, the freeze will be lifted at the time of transfer and the customer must "refreeze" carrier choices;

(vii) How the customer may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring carrier.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected customers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected customers regarding such changes.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-147, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-148 Canceling registration.** A company canceling its registration as a telecommunications company must notify the commission in writing and, as applicable, comply with the requirements of WAC 480-120-083 (Cessation of telecommunications services). It remains subject to commission jurisdiction with respect to its provision of telecommunications service during the time it was registered, and it must file an annual report and pay regulatory fees for the period during which it was registered.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-148, filed 12/12/02, effective 7/1/03.]

## PART III. PAYMENTS AND DISPUTES

**WAC 480-120-161 Form of bills.** (1) **Bill frequency.** Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements upon customer request or upon indication that a payment arrangement is necessary, that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider; and

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider.

For purposes of this subsection, "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic charges on the subscriber's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to the reasonable customer.

(5) **Descriptions of billed charges.**

(a) The bill must include a brief, clear, nonmisleading, plain language description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific enough in content so that the customer can determine that the billed charges accurately reflect the service actually requested and received, including individual toll calls and services charged on a per-occurrence basis.

(b) The bill must identify and set out separately, as a component of the charges for the specific service, any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC).

(c) The bill must clearly delineate the amount or the percentage rate and basis of any tax assessed by a local jurisdiction.

(6) **Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of the customer's telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or web site address. Each carrier must make a business address available upon request from a consumer.

(7) **Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to, the following:

(a) Rates for individual services;

(b) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and

(c) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

(8) **Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

(9) **Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) **Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) **Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-161, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-162 Cash and urgent payments.** (1) Each local exchange company (LEC) must establish and maintain payment agencies for receipt of cash and urgent payments. For purposes of this section, a payment agency may be a business office of the company that accepts customer payments. An urgent payment is a payment that the company requires upon threat of discontinuation of service. Each LEC must use the following criteria when determining the number of payment agencies required:

(a) Exchanges serving over seventy-five thousand access lines must have a minimum of one payment agency within the exchange for every fifty thousand access lines.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agency within the exchange.

(c) LECs that do not have exchanges that meet the criteria in (a) or (b) of this subsection must have at least one payment agency.

(2) The payment agency must clearly post and maintain regular business hours and may be supported by the same personnel as the business office or customer service center. It must not assess a charge from the applicant or customer for processing a transaction. Companies may not contract with a payment agent that charges a fee, surcharge, or any other similar charge to customers for the provided services and transactions required by subsection (1) of this section. Companies may contract with additional payment agents to process required transactions and may permit those additional agents to charge customers not more than $1.00 for processing a transaction.

(3) A LEC may request a waiver of subsection (1) of this section. At a minimum, as a condition for waiver, the petitioner must demonstrate that applicants and customers have a reasonable opportunity to make cash and urgent payments.

(4) At least thirty days before a planned closure of any payment agency, business office, or customer service center that accepts cash and urgent payments and does not charge a fee for processing bill payments, a LEC must provide the commission, in writing, the exchange(s) and communities affected by the closing, the date of the closing, a list of other methods and locations available for making cash and urgent payments, and a list of other methods and locations for obtaining business office and customer service center services.

A LEC may not close a payment location under this subsection until alternatives for making cash and urgent payments have been provided to affected customers.

(5) When a LEC is made aware of the fact that a payment agency that does not charge a fee for processing bill payments has either closed without company knowledge or is refusing to accept company payments, it must provide alternatives for making cash and urgent payments until a replacement station has been established. The LEC must establish a replacement station within the same geographic area within sixty days. If it is unable to do so, it must advise the commission of its efforts and progress to date every thirty days thereafter until a replacement is established.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-162, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-163 Refunding an overcharge.** A company must refund overcharges to the customer with interest, retroactive to the time of the overcharge, up to a maximum of two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-163, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-164 Pro rata credits.** Every telecommunications company must provide pro rata credits to customers of a service whenever that service is billed on a monthly basis and is not available for more than a total of twenty-four hours in a billing cycle. The minimum amount of pro rata credit a company must provide is the monthly cost of service divided by thirty, then multiplied by the number of days or portions of days during which service was not provided.

**For example:**

$$\frac{\text{(Cost of Service)}}{\text{(Thirty)}} \times \text{(Number of days or portions of days without service)} = \text{Pro Rata Credit}$$

Pro rata credits are not required when force majeure, customer premises equipment, or inside wiring is the proximate cause for the unavailability of a service. If a company provides a credit amount for unavailable service that is equal to or greater than the credit amount required by this rule, the amount of credit required by this rule need not be provided.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-164, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-165 Customer complaints.** (1) Each company must have adequate personnel available during regular business days to address customer complaints.

(2) When a company receives an oral or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the company must acknowledge the complaint as follows:

(a) Provide the name of the company's contact to the complainant;

(b) Investigate the complaint 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 supervisor at the company; and

(f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the right to file a complaint with the commission and provide the commission address and toll-free telephone number.

(2) When a company receives a complaint from an applicant or customer regarding another company's service for which it provides only billing service, the company must provide the complainant a toll-free number to reach the appropriate office for the other company that is authorized to investigate and take corrective action to resolve the dispute or complaint.

(3) The company must insure that records and information about complaints and disputes are used only for the purposes of resolving the complaint or dispute and improving service and practices.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-165, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-166 Commission-referred complaints.** (1) Each company must keep a record of all complaints concerning service or rates for at least three years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-09-150 or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and 480-09-500.

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) The company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) The company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-

affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

(11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-166, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-167 Company responsibility.** When a customer informs the commission that the customer has identified a problem with service or billing or other matters and the customer has been told by two or more companies that the problem is not the responding company's responsibility but another company's responsibility, commission staff will inform the companies.

Once the commission has contacted the companies, the companies must confer with each other within three business days and determine which company will take the lead responsibility to resolve the customer's problem. The company accepting lead responsibility must contact the commission and begin resolution of the problem on the first business day following the three business days allotted by this subsection for a conference between the companies.

Companies must confer, allocate responsibility between the companies, and the company with lead responsibility must contact the commission, as required by this section. After conferring, if the companies cannot resolve the matter and neither one will accept the lead, each company must contact the commission and report the status of the dispute within five days of the date commission staff contacted the companies. The report must contain detailed explanations of the company's position.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-167, filed 12/12/02, effective 7/1/03.]

## PART IV. DISCONTINUING AND RESTORING SERVICE

**WAC 480-120-171 Discontinuing service—Customer requested.** (1) This section applies to residential, business, and resale services discontinued at the customer's request. The customer must notify the company of the date the customer wishes to discontinue service. If the customer moves from the service address and fails to request discontinuation of service, the customer must pay for service taken at the service address until the company can confirm that the customer has vacated the premises or a new party has taken responsibility for the service.

(2) A company must stop a customer's monthly recurring or minimum charges effective on the requested discontinuation date. The customer may be held responsible for use charges incurred after the requested discontinuation date when the company can prove that the calls were made or authorized by the customer of record. This section does not preclude a company from collecting minimum service commitment penalties when a customer disconnects service prior to fulfilling the tariff, price list, or contract commitment.

(3) The company must discontinue service as follows:

(a) For services that do not require a field visit, the company must discontinue service not later than one business day from the date requested by the customer; and

(b) For services that require a premises visit to complete the request, the company must disconnect service no later than two business days from the date requested by the customer.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-171, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-172 Discontinuing service—Company initiated.** (1) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds the customer has performed a deceptive practice by:

(a) Tampering with the company's property;

(b) Using service through an illegal connection;

(c) Unlawfully using service or using service for unlawful purposes; or

(d) Obtaining service in another false or deceptive manner.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines the customer has:

(i) Vacated the premises without informing the company;

(ii) Paid a delinquent balance in response to a delinquency notice as described in subsection (7) of this section with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) Failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a) of this section.

(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if, in one or more of the following circumstances:

(a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or price list;

(b) The company determines the customer has used customer-owned equipment that adversely affects the company's service to its other customers;

(c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or price list of the company or another company with which it has a billing and collection agreement, except for nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 or disputed third party-billed charges;

(d) The company is unable to substantiate the identity of the individual requesting service:

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification;

(ii) Company business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant;

(e) The company determines the customer has received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons;

(f) The company determines the customer is receiving service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and there is evidence that the applicant lived at the address while the overdue, unpaid prior obligation was incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(4) Except as provided in subsections (1), (2), and (3) of this section, a company may discontinue or restrict services only under the following circumstances:

(a) A company may discontinue basic service only for nonpayment of basic service charges;

(b) A company may discontinue ancillary services only for nonpayment of ancillary charges or if the company properly discontinues basic service;

(c) A company may discontinue interexchange access only for nonpayment of interexchange charges or if the company properly discontinues basic service:

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted;

(ii) The company may not charge fees for toll restriction when it has discontinued or restricted the customer's interexchange access service under this section;

(d) Companies may not shift a rate plan as a discontinuation method.

(5) When a company discontinues service to a customer, it must also discontinue billing for service as of the date of the discontinuation.

(6) **Medical emergencies.**

(a) When a local exchange company (LEC) has cause to discontinue residential basic service or has discontinued service, it must postpone total service discontinuation or reinstate toll-restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency, as described in (b) of this subsection. The LEC must reinstate service during the same day if the customer contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated, the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within five business days, stating that the discontinuation of basic service or restricted basic service would 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 subsection 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 not require more than the following information:

(i) The address of the residence;

(ii) An explanation of how discontinuation of basic service or restricted basic service would endanger the physical health of the resident;

(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.

(c) The medical certification is valid only for the length of time the medical professional certifies the resident's health would be endangered, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the five-day grace period, the customer pay a minimum of twenty-five percent of the delinquent basic service balance or ten dollars, whichever is greater, and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restrict basic service without further notice if, within the five-day grace period, the customer fails to provide an acceptable medical certificate or pay the amount required under (d) of this subsection. The company may discontinue basic service or restrict basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must ensure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) **Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service except as described in subsection (1) of this section, as follows:

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consents to this delivery method. A company must provide delivered notice by handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. A company must include the following information, at a minimum, in a discontinuation notice:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed;

(vi) Information about how a customer can avoid disconnection under the medical emergency rules described in subsection (6) of this section; and

(vii) The company's name, address, toll-free number, and TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the requirements of (a) of this subsection, or if it discovers it provided incorrect information on the notice, the company must restore service and issue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if it intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** A company must provide delivered notice handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery;

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(c) **Mailed notice.** The notice mailed by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must take reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing

homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-172, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-173 Restoring service after discontinuation.** (1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected. In the case of deceptive practices as described in WAC 480-120-172 (1)(a), this means the customer has corrected the deceptive practice and has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deceptive use, any applicable deposit, and any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service in a deceptive manner as described in WAC 480-120-172 (1)(a). A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-173 (1)(b) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit and reconnection fee, have been made. Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-120-122; or

(c) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premises visit for reconnection must be restored within one business day; and

(b) Service(s) that requires a premises visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

(3) A company may refuse to restore service to a customer who has been discontinued twice for deceptive practices as described in WAC 480-120-172 (1)(a) for a period of five years from the date of the second disconnection, subject to petition by the customer to the commission for an order requiring restoration of service based on good cause.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and 507A), § 480-120-173, filed 12/12/02 and 1/16/03, effective 7/1/03.]

**WAC 480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.** (1) Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service—Company initiated) if the customer was not a participant in either Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this section, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020, agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

(2) In the event a customer receiving service under this section fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-174, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-193 Posting of tariffs for public inspection and review.** Each company offering intrastate telecommunications service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.36.100. To comply with this requirement, a company must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The company must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet website accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The company must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The company must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-193, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.** Each company offering intrastate telecommunications service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.36.110. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a company must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the company must fulfill the requirements of WAC 480-120-195. The company will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-120-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a company must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the company offers service for posting and publication by the agency or organization. The company must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any company; and

(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the company must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the company's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the company's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the company's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The company's name and address;

(c) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical telephone customer

using an average of twenty minutes of local toll service would see an average monthly increase of $0.85.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the company's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-194, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.** (1) This section applies to tariff changes for other than those that are subject to WAC 480-120-194.

(2) A company that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(3) A company that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-120-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-195, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services.** This rule sets out requirements in specific circumstances for notices that companies must provide to customers when services are provided under price list.

(1) A company must provide customer notice before the effective date of changes to the price list for competitively classified companies or competitively classified services.

(a) The company must provide notice to each affected customer at least ten days before the effective date when a company proposes to:

(i) Increase rates;

(ii) Decrease rates; or

(iii) Change terms or conditions.

The company must measure the ten-day period from the time the notice is mailed to all customers or appears in the newspaper or on the website.

(b) Each customer notice must include, at a minimum:

(i) The effective date;

(ii) A clear description of changes to rates and services; and

(iii) A company contact number where customers can seek additional information.

(c) For increase in rates or a material change of terms and conditions a company must provide notice by bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers, or, if a company has the capability and the customer has authorized, by e-mail.

(d) For changes not covered by (c) of this subsection. A company must provide notice by:

(i) Any method listed in (c) of this subsection;

(ii) Publishing the notice in one or more newspapers of general circulation for the affected areas; or

(iii) Posting the notice on the website on which the price list is available to the public.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(3) As an alternative to the customer notice required by this rule, a company may propose another form of customer notice. The commission's public affairs officer must approve any such notice in advance.

(4) Within ten days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When the notice was first posted, published, and/or issued to customers; and

(c) A copy of the notice.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-196, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-197 Adjudicative proceedings where public testimony will be taken.** (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-120-194(4), except the public involvement information in WAC 480-120-194 (4)(j). A company must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Company-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a company must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-197, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-198 Notice verification and assistance.** (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-120-194, 480-120-195, or 480-120-197, but no sooner than when the tariff is filed with the commission, a company must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-120-193 through 480-120-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-198, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-199 Other customer notice.** The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-199, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-201 Definitions.** The definitions in this section apply to WAC 480-120-202 through 480-120-218:

**"Associated company"** means any company that controls, is controlled by, or is under common control with, another company.

**"Call detail"** Except as provided in subsection (e), "call detail" means: (a) Any information that identifies or reveals for any specific call, the name of the caller (including name of a company, entity, or organization), the name of any person called, the location from which a call was made, the area code, prefix, any part of the telephone number of any participant, the time of day of a call, the duration of a call, or the cost of a call;

(b) The aggregation of information in subsection (a) of this subsection up to and including the level where a specific individual is associated with information on calls made to a given area code, prefix, or complete telephone number, whether that information is expressed through amount spent, number of calls, or number of minutes used and whether that information is expressed in monthly, less-than-monthly or greater-than-monthly units of time;

(c) The aggregation of the information in subsection (a) of this subsection up to and including the level where, expressed on a less-than-per-month basis, a specific individual is associated with general calling patterns (e.g. peak, off-peak, weekends) or amounts spent.

(d) Information associating a specific customer or telephone number with the number of calls that are answered or unanswered, correlated with a time of the day, day of the week, week or weeks, or by any time period shorter than one month.

(e) Call detail does not include information, other than information described in subsections (a), (b), (c), and (d) of this definition, compiled on a monthly basis. For example, call detail does not include the amount spent monthly by a specific customer on long distance calls, including the amount spent monthly on intra-LATA toll, intra-state toll, and interstate toll; the amount spent monthly on ancillary services; or the number of unanswered calls per month for a specific telephone number. Call detail does include, for example, the amount spent monthly calling area code XXX; that a particular telephone number was called X times in a month; the number of unanswered calls between the hours of 8:00 A.M. and 5:00 P.M. each month and the number of unanswered calls on Tuesdays each month.

**"Customer proprietary network information (CPNI)"** means: (a) Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service, including call detail, and that is made available to the company by the customer solely by virtue of the customer-company relationship; and

(b) Information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a company; except that CPNI does not include subscriber list information.

(c) CPNI includes

(i) call detail,

(ii) private account information, and

(iii) information that is not individually identifiable to any particular customer.

**"Company"** means any telecommunications company as defined in RCW 80.04.010.

**"Data base management system (DBMS)"** means a data base used by local exchange company to provide auto-

matic location information (ALI) to public safety answering points (PSAPs).

**"Individually identifiable customer proprietary information (I-CPNI)"** means call detail and private account information.

**"Private account information (PAI)"** means the subset of CPNI that does not include call detail but is associated with an identifiable individual.

**"Subscriber list information"** means any information:

(a) Identifying the listed names of subscribers of a company 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 company or an affiliate has published caused to be published, or accepted for publication in any directory format.

**"Telecommunications service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

**"Telemarketing"** means contacting a person by telephone in an attempt to sell one or more products or services.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-201, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.** A company may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, a local exchange company may not use local service CPNI to track all customers that call local service competitors.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-203, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-204 Opt-in approval required for use, disclosure, or access to customer I-CPNI.** A company may not use, disclose, or permit access to a customer's I-CPNI, unless the customer has given opt-in approval.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-204, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-205 Using customer proprietary network information (CPNI) in the provision of services.** Notwithstanding WAC 480-120-204, a company may use, disclose, or permit access to CPNI to the extent necessary to:

(1) Initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested;

(2) Provide customer premise equipment and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

(3) Provide inside wiring installation, maintenance, and repair services.

(4) Protect the rights or property of the company, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, such services;

(5) Resolve formal and informal complaints communicated to the company or commission by an applicant or customer;

(6) Provide records to a data base management system, or to any other database used in the provision of enhanced 9-1-1 or 9-1-1 service, or perform any other service for enhanced 9-1-1 or 9-1-1 purposes;

(7) Provide call location information concerning the user of a commercial mobile service, as the term is defined in 47 U.S.C. § 222(d) to,

(i) a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

(ii) inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

(iii) provide information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.

(8) Comply with any applicable law, or any governmental rule, regulation or order, or any subpoena or other demand of apparently lawful authority.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-205, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls.** Notwithstanding 480-120-204:

(1) A company may use an individual's I-CPNI to the extent necessary to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call, if:

(a) Such call was initiated by the customer; and

(b) During the call and prior to the company's use of the information, the customer expresses approval for the company to use the information during the call.

(2) A company may use an individual's I-CPNI to the extent necessary to provide telemarketing referral, or administrative services to the customer for the duration of an outbound telemarketing call, if:

(a) The company provides oral notice during the call that complies with 480-120-212, except the oral notice is not required to comply with subsection (3)(i), (l), (m), (n), and (o), and subsection (4)(a) of 480-120-212; and

(b) During the call and prior to the company's use of the I-CPNI, the customer expresses approval for the company to use the information during the call in the manner required in 480-120-212 (4)(b).

(3) This section does not apply if:

(a) A company is permitted to use PAI because it has opt-out approval under WAC 480-120-209 and 211.

(b) A company is allowed to use PAI without approval by WAC 480-120-208; or

(c) A company is permitted to use I-CPNI because it has obtained opt-in approval under WAC 480-120-212.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-206, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval.** Notwithstanding WAC 480-120-204:

(1) Unless the customer directs otherwise, a telecommunications company and its associated companies may use a customer's PAI to market the company's or its associated companies' own products and services.

(2) A company may not use a customer's PAI information as provided in subsection (1) of this section unless it has provided notice to each customer pursuant to WAC 480-120-209, and provided the customer with a reasonable opportunity to direct the company not to use the information (opt-out) pursuant to WAC 480-120-211.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-207, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval.** Notwithstanding WAC 480-120-207(2):

(1) A company and its associated companies may use PAI without customer approval for the purpose of marketing their service offerings among the categories of service (*i.e.*, local, interexchange, and commercial mobile radio service (CMRS)) to which the customer already subscribes from the same company.

(a) If a company provides different categories of service, and a customer subscribes to more than one category of service offered by the company, the company is permitted to share the customer's private account information with its associated companies that provide a service to the customer.

(b) If a company provides different categories of service, but a customer does not subscribe to more than one category of service offered by the company, the company is not permitted to share the customer's PAI with its associated companies. This subsection does not preclude a company from meeting the requirements of, and taking action under, WAC 480-120-209 and 211 or 212.

(2) A company may use customers' PAI related to that company's provision of local exchange service 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-type features without customer approval.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-208, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out).** (1) This section applies when a company, pursuant to WAC 480-120-207(1), is permitted to use a customer's PAI unless the customer directs otherwise (opts-out). If a company that is permitted to use the opt-out method voluntarily uses the opt-in method, then the requirements of WAC 480-120-212 apply.

(2) A company may not use a customer's private account information pursuant to WAC 480-120-207(1) unless, at least once in the past two years, the company has provided a written notice to the customer, as provided for in this section, and provides the customer with a reasonable opportunity to opt-out at any time. The written notice may be provided by electronic mail to customers with whom the company ordinarily conducts business through electronic mail. A notice provided by electronic mail must comply with this section, but the company is not required to provide the means for response to an opt-out notice required in 480-120-211 (2)(c) and (d) to customers that receive the required notice by electronic mail.

(3) The written notice must be mailed separately from any advertising or promotional material. It may be included with the customer's bill.

(4) The written notice must be posted on the company's web site and must be readily accessible from the company's home page.

(5) Any opt-out notice must include the following items:

(a) A statement that the name, address, and telephone number, if published in the telephone directory, are not private information and may be used by telemarketers even if the customer opts-out;

(b) A statement that private account information may be used to market (i) telecommunications-related products and services, or (ii) other products and services, or both (i) and (ii), whichever applies;

(c) A statement that the customer has a right to direct the company not to use the customer's private account information and that doing so will not affect the provision of any services to which the customer subscribes;

(d) A disclaimer that an opt-out directive for private account information does not prevent the company from making telephone solicitation or telemarketing calls to the customer and does not prevent the company from including the customer's listed name, address, and telephone number in lists sold, leased or provided to other firms. This disclaimer is not required if the company's practice is to exclude customers who opt-out of private account information use from use or disclosure for telemarketing purposes or if the company does not sell, lease, or directly provide such lists to other firms;

(e) A statement that the customer should expect to receive written confirmation within thirty days of the directive, with a suggestion that the customer call the company if the confirmation is not received by this time;

(f) A prominent statement of specific instructions by which the customer can direct the company not to use the customer's private account information. The dedicated opt-out telephone number required by WAC 480-120-211 (2)(a) must be printed in bold type and in a size larger than the body of the notice.

(g) A statement substantially equivalent to one or more of the following, if true:

(i) "Without customer approval, the company uses your [the customer's] private account information for the purpose of marketing service offerings among the categories of service (*i.e.*, local, interexchange, and CMRS) to which the customer already subscribes from the company;" or

(ii) "Without customer approval, the company shares your [the customer's] private account information with its associated companies"; or

(iii) "Without customer approval, the company uses your [the customer's] private account information to market adjuncts 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."

(6) The notice must be comprehensible and not misleading.

(7) The notice must be clearly legible, in twelve-point or larger typeface.

(8) A company may state in the notice that the use of PAI may enhance the company's ability to offer products and services tailored to the customer's needs, if such a statement is accurate.

(9) A company may state in the notice that the customer, upon affirmative written request, may compel the company to provide PAI to any person.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-209, filed 11/7/02, effective 1/1/03.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 480-120-211 Mechanisms for opting out of use of private customer account information (PAI).** (1) This section applies when a company, pursuant to WAC 480-120-207(1), is permitted to use a customer's PAI unless the customer directs otherwise (opt-out).

(2) At a minimum, companies must allow customers to opt-out using the following mechanisms, which must be provided by the company:

(a) Calling a dedicated, toll-free telephone number that provides access to a live or automated operator at all times. The telephone number must be accessible from all areas of the state where the company provides service. Without receiving unrelated information from the company before giving their directive, customers must have the option to opt-out;

(b) Calling any telephone number that the company provides for billing or customer service inquiries. This subsection permits companies to transfer customers directly to the number required in (a) of this subsection;

(c) Marking a box or blank on the notice and returning it to a stated address;

(d) Returning a postage-paid card included with the notice;

(e) Electronic mail, if the company otherwise receives or sends electronic mail messages to its customers; and

(f) Submitting an opt-out form found on the company's web site. The opt-out form must be directly linked to the written notice required by WAC 480-120-209(2). The web site must be accessible to the public using generally available browser software.

(3) A company may require, as part of any opt-out mechanism, that the customer comply with reasonable procedures to verify the identity of the customer. Any opt-out verification procedure must be no more burdensome on the customer than any verification procedure used by the company when a customer provides express (opt-in) approval or orders additional services on an existing account.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-211, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval.** (1) This section applies when opt-in approval of the customer is required before a company is permitted to use, disclose, or permit access to a customer's I-CPNI.

(2) A company must maintain records of customer notification and approval.

(3) Any solicitation for express customer approval must be accompanied by a written notice to the customer of the customer's right to restrict use, disclosure, and access to that customer's I-CPNI. The notice must state that I-CPNI includes all information related to specific calls initiated or received by a customer.

(a) The notice must state that the customer has a right under federal and state law to protect the confidentiality and limit use, disclosure, and access to the customer's I-CPNI.

(b) The notice must state that the company has a duty under federal and state law to protect the confidentiality of I-CPNI and to comply with the customer's limitations on use, disclosure, and access to the information.

(c) The notice must state the types of information that constitute I-CPNI. If a company is seeking express approval to use, disclose, or permit access to call detail information, the notice must specify that call detail includes the telephone numbers of all calls made or received by the customer.

(d) The notice must specify whether the I-CPNI can be used, disclosed, or accessed by any entity or person other than the company providing the notice.

(e) The notice must describe general purposes for which I-CPNI can be used, disclosed, or accessed and specifically disclose whether the I-CPNI can be used to market services to the customer.

(f) The notice must inform the customer that approval by the customer is voluntary and that no action is required to protect the customer's I-CPNI from disclosure to third parties.

(g) The notice must inform the customer that deciding not to opt-in will not affect the provision of any services to which the customer subscribes.

(h) The notice must be comprehensible and must not be misleading.

(i) The notice must be clearly legible, in twelve-point or larger type, and be placed so as to be readily apparent to a customer.

(j) If any portion of a notice is translated into another language, then all portions of the notice must be translated into that language.

(k) A company may state in the notice that the customer's approval to use, disclose, or permit access to I-CPNI may enhance the company's ability to offer products and services tailored to the customer's needs, if the statement is accurate.

(l) A company may state in the notice that the customer, upon affirmative written request, may compel the company to disclose the customer's I-CPNI to any person.

(m) The notice must state that any approval for use, disclosure of, or access to I-CPNI may be revoked at any time.

(n) The notice must state that the customer should expect to receive written confirmation within thirty days and suggest that the customer call the company if the confirmation is not received by this time.

(o) A statement substantially equivalent to one or more of the following, if true,

(i) "Without customer approval, the company uses your [the customer's] private account information for the purpose of marketing service offerings among the categories of service (*i.e.*, local, interexchange, and CMRS) to which the customer already subscribes from the company;" or

(ii) "Without customer approval the company shares your [the customer's] PAI with its associated companies;" or

(iii) "Without customer approval the company uses your [the customer's] PAI to market adjuncts 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."

(4) Opt-in approval by the customer must be either:

(a) In writing, including messages by facsimile or electronic mail; or

(b) Orally, if the oral approval is verified by an independent third-party using substantially the same procedures as provided in WAC 480-120-147 (1)(c) or if the company makes a sound recording of the oral approval sufficient to establish knowing approval.

(5) The following table illustrates information identified in WAC 480-120-204 through 480-120-208 and whether it would be considered to require express "opt-in" approval, an "opt-out" directive or is not covered by the rule.

Table Illustrating That Customer Approval Method Depends on the Type of Information

| Type of Activity | Type of Information | |
|---|---|---|
| | Call Detail (specific calls, etc.) | Private Account Info. (excludes call detail) |
| Disclosing to third parties | Opt-in. (Sec. 204) | Opt-in (Sec. 204) |
| Marketing products and services out of category to which customer already subscribes | Opt-in (Sec. 204) | Opt-out (Sec. 207) |
| Marketing products and services within the category to which customer subscribes | Opt-in (Sec. 204) | No approval (Sec. 208) |
| In & outbound telemarketing of products and services out of category to which customer already subscribes | Oral opt-in good for duration of call (Sec. 206) | Oral opt-in, good for duration of call (Sec. 206; but no approval during call if company has opt-out approval under 207) |
| In & outbound telemarketing of products and services within the category to which customer subscribes | Oral opt-in good for duration of call (Sec. 206) | No approval (Sec. 208) |

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-212, filed 11/7/02, effective 1/1/03.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 480-120-213 Confirming changes in customer approval status.** (1) Each time a company receives a customer's opt-out directive or opt-in approval that changes the customer's approval status, the company must confirm in writing the change in approval status within thirty days. The written confirmation must either be mailed to the customer's billing address, or may be sent to the customer's electronic mail address if the directive was sent to the company by electronic mail, and must be separate from any other mail from the company. The confirmation must include a short summary of the effect of the customer's opt-out or opt-in choice, and must provide a reasonable method to notify the company if the company made an error in changing the customer's approval status.

(2) A company may not use, disclose, or permit access to a customer's call detail based on a customer's express opt-in approval until three weeks after mailing the confirmation to the customer.

(3) This section does not apply when approval was received for the duration of an inbound or outbound telemarketing call as provided for in WAC 480-120-206.

(4) This section does not apply when a customer requests disclosure of CPNI as provided for in WAC 480-120-216.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-213, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-214 Duration of customer approval or disapproval.** A company must continue to follow any opt-out directive or opt-in approval received until the customer revokes the directive or approval.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-214, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-215 Safeguards required for I-CPNI.** Every company has a duty to protect the confidentiality of I-CPNI.

(1) Companies must train all personnel who have access to I-CPNI as to when they are and are not authorized to use, disclose, or permit access to CPNI, and companies must implement an express disciplinary process to deal with violations of the requirement.

(2) Companies must establish a supervisory review process regarding company compliance with rules governing

use, disclosure of, or access to CPNI for outbound marketing situations and must maintain records of company compliance for at least two years. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) Companies must have an officer, as an agent of the company, sign a compliance certificate on an annual basis stating the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with rules concerning CPNI. The company must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules on this topic. The certificate and the compliance statement must be filed with the company's annual report to the commission.

(4) Class B companies need not report to the commission as required by subsection (3) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-215, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-216 Disclosing CPNI on request of customer.** A company must disclose a customer's CPNI, upon affirmative written request by the customer, to any person designated by the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-216, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-217 Using privacy listings for telephone solicitation.** (1) A local exchange 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 direct that the company make no such calls.

(2) When the company provides the notice required in subsection (1) of this section in writing, the notice must include a toll-free number and an electronic mail address the customer may use to state that solicitation should not be made.

(3) When the company provides the notice in subsection (1) of this section by phone call, the customer must be informed that inclusion in a solicitation list may be declined and if declined, the company must not make any additional solicitation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-217, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-218 Using subscriber list information for purposes other than directory publishing.** If a company uses or provides subscriber list information for purposes other than directory publishing or compliance with 47 U.S.C. § 251 (b)(3), it must exclude from use or disclosure the subscriber list information of any customer who subscribes to a privacy listing, including a nonpublished or unlisted number, or who directs the company to exclude subscriber list information relating to his or her service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-218, filed 11/7/02, effective 1/1/03.]

**WAC 480-120-219 Severabililty.** If any provision of sections 201 through 218 of this chapter or their application to any person or circumstance is held invalid, the remainder of sections 201 through 218 or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-219, filed 11/7/02, effective 1/1/03.]

## PART VII. TELECOMMUNICATIONS SERVICES

**WAC 480-120-251 Directory service.** (1) A local exchange company (LEC) must ensure that a telephone directory is regularly published for each local exchange it serves, listing the name, address (unless omission is requested), and primary telephone number for each customer who can be called in that local exchange and for whom subscriber list information has been provided.

(2) Any residential customer may request from the LEC a dual-name primary directory listing that contains, in addition to the customer's surname, the customer's given name or initials (or combination thereof) and either one other person with the same surname who resides at the same address or a second name, other than surname, by which the customer is also known, including the married name of a person whose spouse is deceased.

(3) A LEC must provide each customer a copy of the directory for the customer's local exchange area. If the directory provided for in subsection (1) of this section does not include the published listing of all exchanges within the customer's local calling area, the LEC must, upon request, provide at no charge a copy of the directory or directories that contain the published listing for the entire local calling area.

(4) Telephone directories published at the direction of a LEC must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. To keep directories correct and up to date, companies may revise the directories more often than specified.

(5) Each LEC that publishes a directory, or contracts for the publication of a directory, must print an informational listing (LEC name and telephone number) when one is requested by any other LEC providing service in the area covered by the directory. The LEC to whom the request is made may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between LECs.

(6) Telephone directories published at the direction of the LEC must include a consumer information guide that details the rights and responsibilities of its customer. The guide must describe the:

(a) Process for establishing credit and determining the need and amount for deposits;

(b) Procedure by which a bill becomes delinquent;

(c) Steps that must be taken by the company to disconnect service;

(d) Washington telephone assistance program (WTAP);

(e) Federal enhanced tribal lifeline program, if applicable; and

(f) Right of the customer to pursue any dispute with the company, including the appropriate procedures within the company and then to the commission by informal or formal complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.106. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-251, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-252 Intercept services.** (1) Directory error. In the event of an error in the listed number of any customer, the customer's local exchange company (LEC) must, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, provided it is permitted by existing central office equipment and the incorrectly listed number is not a number currently assigned to another customer. In the event of an error or omission of a customer's white page listing, the company must maintain the customer's correct name and telephone number in the files of its directory assistance operator or, if applicable, provide the corrected information to its directory assistance contractor. A company or its contractor must furnish the correct name and telephone number to a calling party upon request. The company may not charge a customer for intercept services under these circumstances.

(2) Company-directed telephone number change. When a company must change a customer's telephone number, for any reason after a directory is published, and the change is made at the LEC's direction, the LEC must, at no charge, intercept all calls to the former number, if existing central office equipment will permit, for the shorter of thirty days or until a new directory is published that reflects the customer's new number. During that period, the company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

(3) Number changes related to changes in service. When a company must change a telephone number to complete a move, change, addition, or deletion of service, except as provided for in this subsection, the LEC must intercept all calls to the former number at no charge, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published. The company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

Companies are not required to provide intercept service at no charge when the change is requested by a customer at the customer's existing address for reasons other than harassing or misdirected calls.

(4) A company may provide and may bill for intercept services, other than those described in subsections (1) through (3) of this section, that are requested by the customer.

(5) When the company schedules additions or changes to plant or records that necessitate a large group of number changes that are not addressed by a specific commission order, the company must give a minimum of six months' notice to all customers then of record and so affected even though the additions or changes may coincide with a new directory being issued.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-252, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-253 Automatic dialing-announcing device (ADAD).** (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed; and

(b) It automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(c) The ADAD does not dial unlisted telephone numbers (except as provided in this subsection), designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:00 a.m. or after 9:00 p.m. An ADAD may dial an unlisted number if the ADAD is being used to deliver the name, telephone number, or brief message of a calling party to a called party when the called party's line was busy or did not answer.

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify, in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-253, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-254 Telephone solicitation.** (1) Local exchange companies (LECs) must notify customers of their rights under RCW 80.36.390 with respect to telephone solicitation.

(2) For purposes of this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company to a residential customer for the purpose of encouraging that person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

(3) Each LEC must provide notice by annual bill inserts mailed to its residential customers or by conspicuous publication of the notice in the consumer information pages of its directories that clearly informs customers, at a minimum, of at least the following rights under the law:

(a) Within the first thirty seconds, solicitors must identify themselves, the company or organization on whose behalf the call is being made, and the purpose of the call;

(b) Under Washington law residential customers have the right to keep telephone solicitors from calling back. If, at any time during the conversation, the customer requests to not be called again and to have the customer's name and telephone number removed from the calling list used by the company or organization making the telephone solicitation, the then:

The company or organization must not allow a solicitor to call the customer on its behalf for at least one year; and

(c) Companies. The company or organizations must not sell or give the customer's name and or telephone number to another company or organization; and

(d) The office of the attorney general is authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual may also recover court and attorney's fees.

(i) To file a complaint, or request more information on the law, the customer may write to the Consumer Protection Division of the Attorney General's Office at 900 Fourth Ave., Suite 2000, Seattle, Washington 98164-1012 or by email at protect@atg.wa.gov. Consumers may also call the division weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.

(ii) When the customer files a complaint, the customer should include the name and address of the individual, business, group, or organization, the time the calls were received, the nature of the calls, and any additional information available.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-254, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-255 Information delivery services.** (1) For purposes of this section:

"Information-delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

"Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information-delivery service.

"Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(2) Local exchange companies (LECs) offering access to information-delivery services must provide each residential customer the opportunity to block access to all information delivery services offered by that company. Companies must fulfill an initial request for blocking free of charge. Companies may charge a tariffed or price listed fee for subsequent blocking requests (i.e., if a customer has unblocked his or her access).

(3) The LEC must inform residential customers of the blocking service through a single-topic bill insert and publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The LEC must include in the notice and bill insert the residential customers' rights under the law, the definition of "information delivery services" as defined in subsection (1) of this section, and a statement that these services often are called "900" numbers. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information-delivery services on their residential telephone lines, that blocking will prevent access to information-delivery services from their residential telephone line, that customers may request free blocking of access to information-delivery services on their residential telephone lines by calling the LEC at a specified telephone number, that the Washington utilities and transportation commission is authorized under RCW 80.36.500 to enforce this law, and that customers may contact the commission for further information. The LEC must include the commission's address, toll-free telephone number, and website:

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150
www.wutc.wa.gov

(4) Any company that provides billing, customer service, or collection services for an information provider must require, as a part of its contract for that service, that the information provider include in any advertising or promotion a prominent statement of the cost to the customer of the information service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-255, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-256 Caller identification service.** (1) The company that provides caller identification service must provide its retail customers the capability of blocking the delivery of their numbers, names, or locations both on a per call basis and on a per line basis. The company must not charge a monthly fee or per call fee for caller identification blocking. The company must not charge a nonrecurring fee for caller identification blocking:

(a) When the service is requested at the time an access line is connected;

(b) The first time the service is added to an access line; or

(c) The first time the service is removed from an access line.

(2) At least ninety days before offering caller identification services the company must send notice to its customers. The notice must explain caller identification per call blocking, caller identification line blocking, a customer's right to have the numbers blocked one-time free of charge, and an explanation that call blocking does not apply to the delivery of caller numbers, name, or locations to a 911 or enhanced 911 service, other emergency service, or a customer-originated trace. The notice must include an explanation that call blocking will not work on all services, including, but not limited to, 800 and 900 numbers, long distance, and primary rate interface service.

For purposes of this section, "primary rate interface services" means an ISDN service that uses a digital rate of one thousand five hundred forty-four Mbits per second, whether used like business trunks for digital PBXs with up to twenty-four circuits at a rate of sixty-four kbits per second per circuit, or used as a single circuit at the DS1 rate. A company may offer caller identification service if the company complies with this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-256, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-257 Emergency services.** (1) At least once every twenty-four hours, each local exchange company and each interexchange company owning, operating, or maintaining any portion of any dedicated 911 circuit must manually test, for continuity, the portion of the 911 circuit which it owns, operates, or maintains. This section does not apply to any dedicated 911 circuit, or portion thereof, if either (a), (b), or (c) of this subsection is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity;

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours.

(2) Any dedicated 911 circuit found to be defective must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs must be undertaken promptly and pursued diligently by the company that has responsibility for operating or maintaining the circuit, or both. Companies are not required to repair any portion of any dedicated 911 circuit that they do not own, operate, or maintain.

(3) Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified in the central office and the remote switch.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-257, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-261 Operator services.** (1) An operator service provider must protect the confidentiality of all communications it carries, processes, or transmits unless otherwise authorized by law.

(2) Each operator service provider must develop procedures its employees must follow to provide operator assistance to customers, ensure that when automated operator services are provided by it, customers can access a live operator, ensure that call timing for operator-assisted calls provided by its operators is accurately recorded, and ensure that its operators receiving 0- and E911 calls are capable of routing calls in a manner that will allow access to the proper local emergency service agency and connecting calls twenty-four hours a day.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-261, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-262 Operator service providers (OSPs).** (1) Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service provider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to customers in billing or completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a customer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for consumer complaints and the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by an OSP (whether by a presubscribed or other provider), the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges for a particular call exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, would exceed, for any duration of the call, the sum of fifty cents multiplied by the duration of the call in minutes plus fifty cents. For example, an OSP's charges would exceed the benchmark rate if any of these conditions were true:

(i) Charges for a one-minute call exceeded one dollar;

(ii) Charges for a five-minute call exceeded three dollars; or

(iii) Charges for a ten-minute call exceeded five dollars and fifty cents.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin. The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Emergency calls.** For purposes of emergency calls, every OSP must be able to transfer the caller into the appropriate E911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made. The OSP must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call. The OSP must provide a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(9) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(10) **Suspension.** The commission may suspend the registration of any company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-262, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-263 Pay phone service providers (PSPs).** (1) A local exchange company (LEC) within the state of Washington must allow pay phone service providers (PSPs) to connect pay phones to its network, and a LEC must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

(2) **Registration and application of rules.**

(a) PSPs operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not

apply to pay phone services. This does not exempt PSPs from rules applicable to complaints and disputes (WAC 480-120-165), or remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

(a) Dial tone;

(b) Emergency services by dialing 911 without the use of a coin or entering charge codes;

(c) Operator;

(d) Telecommunications relay service calls for the hearing-impaired;

(e) All available toll-free services; and

(f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print or a different and contrasting color;

(b) Notice that directory assistance charges may apply, and to ask the operator for rates;

(c) Notice that the pay phone does not make change, if applicable;

(d) The emergency number (E911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and toll-free number of all presubscribed operator service providers (OSPs), as registered with the commission. This information must be updated within thirty days of a change in the OSP. Refer to WAC 480-120-262 for OSP definition and rules;

(h) Notice to callers that they can access other long distance companies;

(i) The phone number of the pay phone, including area code. When the pay phone is in an area that has had an area code change, the area code change must be reflected on the pay phone within thirty days of the area code conversion; and

(j) In contrasting colors, the commission compliance number for customer complaints, to include the following information:

> "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(5) **Operation and functionality.** A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone. To comply with this subsection, PSPs must provide an emergency response location (ERL) to the LEC supplying the PAL within two working days of establishing the location, or changed location, of the phone instrument. The ERL must provide sufficient information to aid emergency personnel in the rapid location of the phone instrument, e.g., building floor number, compass quadrant (e.g., northeast corner), and room number.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premise where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) Pay phones may not restrict the number of digits or letters that can be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, at the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have provided proper notice under subsection (6) of this section. Each pay phone restricted to one-way service must be clearly marked on or near the front of the pay phone with information detailed in subsection (6) of this section.

(6) **Restrictions.** A PSP may only limit the operational capabilities of a pay phone when a local governing jurisdiction or other governmental agency submits a notice to the commission using prescribed forms a minimum of ten days prior to the restriction. Restrictions may include, but are not limited to, blocking incoming calls, limiting touch-tone capabilities, and coin restriction during certain hours. The notice

must be signed by an agent of the local governing jurisdiction in which the pay phone is located who has authority to submit the request, and must state the jurisdiction's reasons for the restriction. A copy of the notice must also be served on the PSP no later than ten days prior to the restriction.

The requestor must post a notice prominently visible at the pay phone(s) ten days prior to the proposed restriction. The notice must explain what is proposed and how to file an objection with the governing agency.

Once the restriction is in place, the PSP must post on or near each restricted pay phone, in legible and prominent type, a description of each limitation in effect, the times when the restrictions will be in effect, and the name and toll-free number of the governmental agency recommending the restriction.

(7) **Telephone directories.** The provider of the PAL must furnish without charge one current telephone directory each year for each PAL. The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** The PSP must correct, within five days, malfunctions of the pay phone or rule violations reported to the repair or refund number or the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-263, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-264 Prepaid calling services.** (1) For the purposes of this section, prepaid calling services (PPCS) means any transaction in which a customer pays for service prior to use and applies only to those services where the number of available minutes decreases as the customer uses the service. Prepaid calling services do not include flat-rated basic local service that is billed in advance of use.

(a) PPCS may require the use of an access number or authorization code.

(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.

(2) PPCS providers must provide customers a without-charge telephone number staffed by personnel capable of:

(a) Responding to technical problems or questions related to their service twenty-four hours a day, seven days a week;

(b) Responding to general account-related questions during regular business hours; and

(c) Providing the commission's toll-free number and address to dissatisfied customers as required by WAC 480-120-101.

(3) Billing requirements for PPCS.

(a) A PPCS provider may charge only for the actual time a circuit is open for conversation. The price list or tariff and presale document must define billing increments. The provider must not round up the length of conversation time for less than a full billing increment beyond that full increment.

(i) If a PPCS provider uses an increment based on a time measurement, the increment must not exceed one minute.

(ii) If a PPCS provider bills usage in "unit" measurements, it must clearly define units using both equivalent dollar amounts and time measurement. Unit billing increments cannot exceed the equivalent one minute rate.

(b) At the customer's request, a PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those on file with the commission. The PPCS provider must inform the customer of the new rates at the time of the recharge request.

(4) PPCS providers must maintain the following call-data for a minimum of twenty-four months:

(a) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(b) The number of the originating phone when the information is passed to the PPCS provider;

(c) The date and time the call was originated;

(d) The duration or termination time of the call;

(e) The called number; and

(f) The personal identification number (PIN), or account number.

(5) Disclosure requirements - Prepaid calling services.

(a) A PPCS provider must disclose, prior to the sale, the following information:

(i) The PPCS provider's name as registered with the commission;

(ii) The "doing business as" name as registered with the commission, if applicable;

(iii) The maximum charge per billing increment. A PPCS provider charging varying rates for intrastate and interstate calls must provide all applicable rates. The rates disclosed must be no more than those in its price list or tariff on file with the commission at the time of purchase;

(iv) Charges for all services, including any applicable surcharges, fees, or taxes, and the method of application;

(v) Expiration date, if applicable. If a card expires after a set period of time from activation, the PPCS provider must specify the expiration date on the card. If an expiration date is not disclosed on the card it will be considered unexpired indefinitely; and

(vi) Recharge policy, if applicable. If a PPCS provider does not disclose the expiration date at the time service is recharged, the service will be considered unexpired indefinitely.

(b) A PPCS provider must disclose, at the time of purchase, the following information:

(i) The without-charge telephone number(s) a customer may use to resolve technical problems, service-related questions, and general account-related questions; and

(ii) Authorization code, if required, to access the service or, if applicable, the without-charge telephone number used to establish access capability.

(c) If the PPCS provider is not the entity that packages the services for sale to the public, it must require the company that does so, through a written agreement, to comply with the disclosure requirements of this section.

(6) Time of use disclosure requirements. The PPCS provider must:

(a) Announce at the beginning of each call the time remaining on the prepaid account or prepaid calling card; and

(b) Announce the time remaining at least one minute before the prepaid account balance is depleted.

(7) When a PPCS provider has failed to provide service at rates disclosed prior to the sale or quoted at the time an account is recharged, or the PPCS provider has failed to meet performance standards, it must provide refunds for any unused service or provide equivalent service credit when requested by a customer. Refunds or credits must equal the value remaining on the prepaid calling account. The customer may choose either the refund or equivalent service credit option.

(8) Performance standards for prepaid calling services. Each PPCS provider must ensure that:

(a) Customers can complete a minimum of ninety-eight percent of all call attempts to the called party's number. The PPCS provider will consider any busy signals or unanswered calls as completed calls.

(b) Customers can complete a minimum of ninety-eight percent of all call attempts to the PPCS provider. The PPCS provider will not consider any busy signals or unanswered calls as completed calls.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-120-264, filed 5/14/02, effective 6/17/02.]

**WAC 480-120-265 Local calling areas.** (1) Customers must make requests for expanded local calling areas under RCW 80.04.110 (the commission's complaint statute).

(2) The commission will order expansion of local calling areas only for compelling reasons. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from community medical facilities, police and fire departments, city or town government, elementary and secondary schools, libraries, and a commercial center.

The commission will consider the overall community-of-interest of the entire exchange, and may consider other pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-265, filed 12/12/02, effective 7/1/03.]

## PART VIII. FINANCIAL RECORDS AND REPORTING RULES

**WAC 480-120-301 Accounting requirements for competitively classified companies.** Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-301, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-302 Accounting requirements for companies not classified as competitive.** (1)(a) Companies with two percent or more of state access lines and companies with less than two percent of state access lines are classified as follows:

| Class | Number of Access Lines as of December 31 from prior year's annual report |
|---|---|
| A | 2% or more of state access lines |
| B | Less that 2% of state access lines |

For example:

| | |
|---|---|
| Company X access lines as of 12/31/98 | 33,823 |
| Divided by | |
| Total state access lines as of 12/31/98 | 3,382,320 |
| Equals company access lines as a percentage of total access lines. | 1% |

Therefore, company X is a Class B company.

(b) As long as a company can show it serves less than two percent of the total access lines listed in (a) of this subsection, it may compare future years to the year listed in the example above, as a safe harbor option.

(c) If a company has more than two percent of the total access lines listed in (a) of this subsection, but believes that it has less than two percent of a subsequent year to that listed in the example above, it may use the more recent "total state access lines" as of that subsequent year in order to calculate a different threshold, as long as it provides all relevant information in a letter of certification to the commission concurrent with its election. For purposes of this rule the raw data may be requested from the commission's record center in order for the company seeking the data to generate its own calculation subsequent, and pursuant, to this rule.

(2)(a) For accounting purposes, companies not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part

32, (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999. Companies not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies shall not be permitted to use Class B accounting.

(3) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Companies not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in subsection (2) of this section. Companies not classified as competitive must maintain subsidiary accounting records for:

(i) Residential basic service revenues;

(ii) Business basic service revenues;

(iii) Access revenues for each universal service rate element;

(iv) Special access revenues; and

(v) Switched access revenues.

(c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Companies not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the sick leave is used by employees.

(ii) Companies not classified as competitive must keep records for:

(A) Compensated absences that are actually paid; and

(B) Compensated absences that are deductible for federal income tax purposes.

(d) Companies not classified as competitive that have multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by subsection (1) of this section.

(f) Part 32 section 32.11 (d) and (e) are replaced by subsection (1) of this section.

(g) The commission does not require Part 32 section 32.2000 (b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

(h) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in subsection (1) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-302, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-303 Reporting requirements for competitively classified companies.** The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

(1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1st of each year;

(2) Provide total number of access lines as required on the annual report form;

(3) Provide income statement and balance sheet for total company; and

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-303, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-304 Reporting requirements for companies not classified as competitive.** (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

(a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(b) Provide total number of access lines as required on the annual report form; and

(c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-304, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.** (1) A Class B company, as defined in WAC 480-120-302(1), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC 480-09-330.

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) **Adjustments provided for in the results of operations.**

(a) The results-of-operations statement must provide restating actual adjustments and pro forma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated a company must adjust the booked results of operations for restating actual and proforma adjustments, including the following:

(i) Nonoperating items;

(ii) Extraordinary items;

(iii) Nonregulated operating items; and

(iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194, and must include the following information:

(a) The proposed increase expressed in (i) total dollars and average percentage terms, and (ii) the average monthly increases the customers in each category or subcategory of service might reasonably expect;

(b) The name and mailing address of the commission and public counsel;

(c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-305, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-311 Access charge and universal service reporting.** (1) **Intrastate mechanism reporting.**

(a) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(i) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(ii) Primary toll carriers (PTCs) must file, in addition to the information required in (a)(i) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail customers using feature group C switched access service for the origination or termination of any such service(s).

(b) The report containing the information required in (a) of this subsection must be filed by July 1 of each year.

(c) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

(2) **Annual state certification requirements for interstate (federal) mechanism.** Each eligible telecommunications carrier (ETC) in Washington receiving federal high-cost universal service support funds must provide the following to the commission not later than August 31 of each year:

(a) A certification that, during the calendar year preceding the year in which certification is made, the ETC provided the supported services required by 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

(b) A certification that, during the calendar year preceding the year in which certification is made, the ETC adver-

tised the availability of supported services and the charges for them as required by 47 U.S.C. § 214(e) and as described in the commission order granting it ETC status;

(c) A certification that funds received by it from the federal high-cost universal service support fund will be used only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended;

(d) The amount of all federal high-cost universal service fund support received for the calendar year preceding the year in which the filing must be made (this includes, but is not limited to, High Cost Loop Support or "HCL", Local Switching Support or "LSS", Long Term Support or "LTS", Interstate Access Support or "IAS", and Interstate Common Line Support or "ICLS");

(e) The loop counts on which federal high-cost universal service support was based for support received during the calendar year preceding the year in which the filing must be made;

(f) The certifications required in (a) through (e) of this subsection must be made in the same manner as required by RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-311, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-321 Expenditures for political or legislative activities.** (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-321, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-322 Retaining and preserving records and reports.** (1) Companies must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-322, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-323 Washington Exchange Carrier Association (WECA).** (1) The Washington Exchange Carrier Association (WECA) may:

(a) File petitions with the commission;

(b) Publish and file tariffs with the commission; and

(c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

(a) All initial WECA tariffs; and

(b) All changes to the tariffs.

(3) A member of WECA may file directly with the commission:

(a) Tariffs, price lists, and contracts;

(b) Revenue requirement computations;

(c) Revenue objectives;

(d) Universal service support cost calculations;

(e) Total service long run incremental cost studies;

(f) Competitive classification petition;

(g) Other reports; or

(h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

(a) Actual fund collections and distributions to each member company;

(b) The basis upon which the collection and distribution is made;

(c) Board membership;

(d) Special committee membership; and

(e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Sup-

plemental Order in Docket UT-971140 with Attachment" dated June 28, 2000.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-323, filed 12/12/02, effective 7/1/03.]

## PART IX. SAFETY AND STANDARDS RULES

**WAC 480-120-401 Network performance standards.** (1) All companies must meet the applicable network performance standards set forth in this section. The standards applied to each service quality measurement are the minimum acceptable quality of service under normal operating conditions. All performance standards apply to each central office individually and must be measured at or below that level. The performance standards do not apply to abnormal conditions, including, but not limited to work stoppage directly affecting provision of service in the state of Washington, holidays, force majeure, or major outages caused by persons or entities other than the local exchange company (LEC) or its agents.

(2) **Switches.** End-office switches, in conjunction with remote switches where deployed, must meet the following standards:

(a) **Dial service.** For each switch, companies must meet the following minimum standards during the switch's average busy-hour of the average busy season:

(i) Dial tone must be provided within three seconds on at least ninety-eight percent of calls placed; and

(ii) Ninety-eight percent of calls placed must not encounter an intraswitch blocking condition within the central office, or blocking in host-remote, or interoffice local trunks.

(b) **Intercept.** Central office dial equipment must provide adequate access to an operator or to a recorded announcement intercept to all vacant codes and numbers. Less than one percent of intercepted calls may encounter busy or no-circuit-available conditions during the average busy-hour, of the busy-season.

(3) **Interoffice facilities.** Blocking performance during average busy-hour for ninety-nine percent of trunk groups for any month must be less than one-half of one percent for intertoll and intertandem facilities and less than one percent for local and EAS interoffice trunk facilities. The blocking standard for E911 dedicated interoffice trunk facilities must be less than one percent during average busy-hour of the average busy season. Two consecutive months is the maximum that a single trunk group may be below the applicable standard.

(4) **Outside plant.**

(a) **Local loops.** Each LEC must design, construct, and maintain subscriber loops to the standard network interface or demarcation point as follows:

(i) For voice grade, local exchange service loops must meet all performance characteristics specified in Section 4 of the Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics. Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999.

(ii) For voice grade service, the circuit noise level on customer loops measured at the customer network interface must be equal to or less than 20.0 dBrnC, except that digitized loops and loops in excess of 18,000 feet must have a noise level objective of less than 25.0 dBrnC, and noise levels must not exceed 30 dBrnC.

(b) **Special circuits.** Off-premise station circuit loss must not exceed 5.0 dB at 1004 Hz when measured between the customer switch demarcation and the customer station demarcation. LECs with over fifty thousand access lines must maintain design criteria for special circuits. Companies must make channel performance criteria available to customers upon request.

(c) **Digital services.** LECs must meet the availability objectives for digital private line circuit performance specified in the American National Standards for Telecommunications, "Network Performance Parameters for Dedicated Digital Services - Specifications." Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999. Upon request of a customer, a LEC may provide to that customer digital services that do not meet the performance standards set forth in (b) of this subsection.

(5) **Service to interexchange carriers.** LECs must provide service to interexchange carriers at the grade of service ordered by the interexchange carrier. At a minimum, each interexchange carrier must order sufficient facilities from each LEC such that no more than two percent of all calls are blocked at the LEC's switch.

(6) Companies must monitor the network performance of the equipment they own, operate, or share at frequent intervals so that adequate facilities can be designed, engineered and placed in service when needed to meet the standards of this section.

(7) Each Class A LEC must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions can be redirected or forwarded to an alternate repair or maintenance service center location.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-401, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-402 Safety.** The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-402, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-411 Network maintenance.** (1) Each local exchange company (LEC) must:

(a) Provide adequate maintenance to ensure that all facilities are in safe and serviceable condition;

(b) Correct immediately hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist;

(c) Promptly repair or replace broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service; and

(d) Correct promptly transmission problems on any channel when located or identified, including noise induction, cross-talk, or other poor transmission characteristics.

(2) Each LEC must install and maintain test apparatus at appropriate locations to determine the operating characteristics of network systems and provide sufficient portable power systems to support up to the largest remote subscriber carrier site. For the safe and continuous operation of underground cables, each LEC must establish air pressurization policies and an air pressurization alarm-monitoring program where appropriate.

(3) Central offices equipped with automatic start generators must have three hours' reserve battery capacity. Central offices without automatic start generators must have a minimum of five hours' reserve battery capacity. Central offices without permanently installed emergency power facilities must have access to readily connectable mobile power units with enough power capacity to carry the load and that can be delivered within one half of the expected battery reserve time.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-411, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-412 Major outages.** (1) All companies must make reasonable provisions to minimize the effects of major outages, including those caused by force majeure, and inform and train pertinent employees to prevent or minimize interruption or impairment of service.

(2) **Notice to commission and public safety answering point (PSAP).** When a company receives notice of or detects a major outage, it must notify the commission and any PSAP serving the affected area as soon as possible.

(3) **Notice to county and state emergency agencies and coordination of efforts.** When a major outage affects any emergency response facility, a company must notify immediately the county E911 coordinator and the state emergency management authorities, and provide periodic updates on the status of the outage. The company must coordinate service restoration with the state emergency management authorities if it requests it, and, if requested to do so by the commission, report daily to it the progress of restoration efforts until the company achieves full network recovery.

(4) **Major outages repair priorities.**

(a) Outages affecting PSAPs and emergency response agencies must receive attention first and be repaired as soon as possible.

(b) Companies must restore other services within twelve hours unless conditions beyond a company's reasonable ability to control prevent service restoration within twelve hours.

(c) Companies must restore outages to their facilities affecting intercompany trunk and toll trunk service within four hours after the problem is reported unless conditions beyond a company's reasonable ability to control prevent service restoration within four hours. If the problem is not corrected within four hours, the company must keep all other affected companies advised of the status of restoration efforts on a twice-daily basis.

(5) **Information to public.** Unless heightened security concerns exist, during major outage recovery efforts all companies must implement procedures to disseminate information to the public, public officials, and news media. All companies must provide a statement about the major outage that includes the time, the cause, the general location and approximate number of affected access lines, and the anticipated duration.

(6) **Notice of intentional outage.** When a company intends to interrupt service to such an extent that it will cause a major outage, it must make a reasonable effort to notify all customers who will have their telephone service affected and the state emergency management authorities not less than seven days in advance if circumstances permit or as soon as it plans to interrupt service if circumstances do not permit seven days' advance notice. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

(7) **Records.** All companies must keep a record of each major outage and a statement about the interruption that includes the time, the cause, the location and number of affected access lines, and the duration.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-412, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-414 Emergency operation.** (1) All companies must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

(a) Local network operations center;

(b) Regional network operations center; or

(c) Emergency operations center.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-414, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-436 Responsibility for drop facilities and support structure.** (1) **Initial provision of service to a premise with no existing drop facilities.** Companies are responsible for designating the route of the drop facility and the type of support structure.

(a) Provision of drop facilities. The company is responsible for all work and materials associated with drop facilities.

(b) Provision of support structure. The company may require the applicant to provide a support structure that meets

company standards. Once the company provides service, the company is responsible for maintenance and repair of the existing drop facilities and support structure as provided for in WAC 480-120-437.

(c) Nothing in this rule prohibits the company from offering the applicant an alternative to pay the company a tariffed or price listed rate for provision of the support structure.

(2) **Requests for initial service or additional service at a premise where all existing pairs within a drop facility are not in use.** A company is responsible for all work and materials associated with the drop facilities and if applicable the support structure so long as the total number of lines requested by the customer does not exceed the original capacity of the drop facility.

Any work or materials associated with repair of abandoned or defective pairs is considered maintenance and repair under WAC 480-120-437.

(3) **Requests for additional service to premises where all existing pairs within a drop facility are not in use or where the total number of lines requested by a customer exceeds the original capacity of the existing drop facility.**

(a) The company is responsible for all costs, including the costs of work and materials, associated with placement of additional drop facilities.

(b) The company may require the applicant to provide a support structure for placement of the new drop facility.

(c) A company must use an existing support structure for placement of the new drop facility when:

(i) The support structure it is large enough to support placement of the new facility; and

(ii) It follows a path which remains suitable to the company; and

(iii) The customer makes the support structure accessible to the company (e.g., uncovers the entry to the conduit and removes any items that would impede the use of the conduit, such as tree roots).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-436, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-437 Responsibility for maintenance and repair of facilities and support structures.** (1)(a) Companies are responsible for all work, materials, and costs associated with reinforcing existing distribution plant, and repairing and maintaining existing distribution and drop facilities and support structures up to and including the standard network interface (SNI).

(b) The customer is responsible for maintaining facilities on the customer's side of the SNI.

(2) A company, in its sole discretion, may determine to replace or reinforce any existing facilities or support structures for which it is responsible for maintenance or repair. If the company decides to replace existing facilities or support structures, all the work and materials associated with the installation of facilities and support structures is considered repair and maintenance, and not new construction.

(3) With respect to cost, subsection (1)(a) of this section does not apply when damage has been caused by a customer or third party, in which case, the company may charge that individual the cost of repair, maintenance, or replacement of company facilities and, if applicable, support structure. Nothing in this subsection is intended to limit the company's ability to recover damages as otherwise permitted by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-437, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-438 Trouble report standard.** Trouble reports by central office must not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to customer premise equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-438, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-439 Service quality performance reports.** (1) **Class A companies.** Class A companies must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. Companies must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105, 480-120-107, 480-120-112, 480-120-132, 480-120-401, 480-120-411, and 480-120-440.

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been completed and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 and 480-120-112.

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105. The report must include orders with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) A separate report must be filed each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105. The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) A separate report must be filed each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105. The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

Orders for which customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; when a technician arrives at the customer's premises at the appointed time and prepared to install service and the customer is not available to provide access; or when the commission has granted an exemption under WAC 480-120-015 from the requirement for installation or activation of a particular order, may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month.

For calculation of the report of orders installed or activated within five business days in a month, orders that could not be installed or activated within five days in that month due to force majeure may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438. The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438. The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** Companies that experience trunk blocking in excess of the standard in WAC 480-120-401 (3) and (5) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the problem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.**

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440, companies must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must report the number of interruptions that are exempt from the repair interval standards as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, companies must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, companies must report compliance with the standard required in WAC 480-120-133. If requested, companies must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an exception under WAC 480-120-015.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-439, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-440 Repair standards for service interruptions and impairments, excluding major outages.** (1) A company must repair all out-of-service interruptions within forty-eight hours, unless the company is unable to make the repair because it is physically obstructed from doing so or because of force majeure, in which case the repair must be made as soon as practicable. The forty-eight hour requirement does not apply to out-of-service interruptions that are part of a major outage under WAC 480-120-412.

For purposes of this section an out-of-service interruption is defined as a condition that prevents the use of the telephone exchange line for purposes of originating or receiving a call and does not include trouble reported for nonregulated services such as voice messaging, inside wiring, or customer premises equipment.

(2) A company must repair all other regulated service interruptions within seventy-two hours, unless the company is unable to make the repair because it is physically obstructed from doing so or because of force majeure, in which case the repair must be made as soon as practicable. The seventy-two hour requirement does not apply to out-of-service interruptions that are part of a major outage under WAC 480-120-412.

(3) The forty-eight-hour and seventy-two-hour standards do not apply during company work stoppages directly affecting provision of service in the state of Washington.

(4) When the company informs the customer that repair requires on-premises access by the company with the customer present, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(5) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period that indicates that the customer's service is operating within industry standards. The company must make all test information available to the commission upon request.

(6) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period which demonstrate that the reported problem may only be cleared from within the customer's premises and the company is either unable to reach the customer to arrange access or is refused access by the customer. The company must make all test information and customer contact logs available to the commission upon request.

(7) For the purposes of this section, Sundays and legal holidays are not considered working days and are therefore excluded from the forty-eight-hour and seventy-two-hour periods.

(8) In instances when repair requires construction work, the forty-eight-hour and seventy-two-hour periods begin when a company has received appropriate authorization from the applicable governing body associated with the repair (e.g., utility location services are completed and, if applicable, a permit is granted). A company must contact the appropriate authorities to request applicable utility location services and permits when the company determines that a repair situation requires construction work to correct. Upon receiving any repair report that requires construction work, a company must contact the appropriate authorities as soon as practicable to request utility location services and permits, if applicable.

(9) When a company plans a service interruption, it must make reasonable efforts to notify customers that it determines service will be affected not less than seven days in advance or, if seven days' notice is not possible, as soon as the interrupted service is planned. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-440, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.** "Private branch exchange (PBX)" means customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to a

PSAP and is used to retrieve the automatic location information (ALI) for a PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location associated with the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller's ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. Methods for maintaining station location information that are not internet-based may be offered in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. Records must be forwarded to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

Records that do not post to the DBMS because of address errors must be corrected within two working days unless modifications are necessary to the audit tables of the master street address guide, in which case the record must be resubmitted within one business day of notification that the master street address guide has been updated.

(e) E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

(3) LECs choosing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and supporting cost studies or price lists, whichever applies, that specify the charges and terms for E911 services.

(4)(a) PBX customers who choose to maintain their own E911 data base, or contract that maintenance to a third party, must be permitted to do so if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-450, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs).** All local exchange carriers (LECs) must provide a telephone number, which may include a number for a paging device, that public safety answering points (PSAPs) may use to reach a company representative with questions related to the accuracy of station location records. LECs must accept calls to the provided number at all times. LECs that provide a number for the paging device must respond within three minutes of the page.

All LECs must provide an E911 data base maintenance contact who is available during business day hours to the county E911 data base coordinators in those counties in which they provide service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-451, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base—When permitted.** (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) Absent a judicial order, reverse search must not be used for criminal or legal investigations or other nonemergency purposes.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-452, filed 12/12/02, effective 7/1/03.]

**WAC 480-120-540 Terminating access charges.** (1) Except for any universal service rate allowed pursuant to subsection (3) of this section, the rates charged by a local exchange company for terminating access shall not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each

exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access shall not exceed the cost of the terminating access service being provided.

(2) The cost of the terminating access shall be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and shall not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

(3) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(4) Definitions.

(a) "Access charge" means a rate charged by a local exchange carrier to an interexchange carrier for the origination, transport, or termination of a call to or from a customer of the local exchange carrier. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost shall not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or price lists (as appropriate) to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.36.140. 98-19-147 (Order R-450, Docket No. UT-970325), § 480-120-540, filed 9/23/98, effective 12/21/98.]

**WAC 480-120-560 Collocation.** (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation, an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least

three months in advance of the order, the Commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff or price list offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the Commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

(i) Central Office CLLI, where applicable;

(ii) Ordering CLEC, including the amount of space sought by the CLEC;

(iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;

(iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;

(v) Narrative of the central office floor space use;

(vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;

(vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;

(viii) The number of central office employees employed and job titles;

(ix) Description of central office renovation/expansion plans and time frames for completion;

(x) Description of conversion of administrative, maintenance, equipment, and storage space plans and timeframes for completion; and

(xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC 480-09-530. The ILEC bears the burden to prove to the commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must specify which types of collocation are unavailable in each office and whether the commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 00-24-047 (Order R-475, Docket No. UT-990582), § 480-120-560, filed 11/30/00, effective 12/31/00.]

## PART X. ADOPTION BY REFERENCE

**WAC 480-120-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) American National Standards for Telecommunications - *"Network Performance Parameters for Dedicated Digital Services - Specifications"* (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401.

(c) The American National Standards for Telecommunications *"Network Performance Parameters for Dedicated Digital Services - Specifications"* is a copyrighted document. Copies are available from the publisher and third-party vendors.

(2) *The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics* (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401.

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from the publishers.

(3) *The National Electrical Safety Code* is published by the IEEE.

(a) The commission adopts the version in effect in 1997.

(b) This publication is referenced in WAC 480-120-402.

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from the publishers and from third-party vendors.

(4) *Title 47 Code of Federal Regulations*, cited as 47 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-302 and 480-120-322.

(c) Copies of Title 47 Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-999, filed 12/12/02, effective 7/1/03.]

# Chapter 480-121 WAC

# REGISTRATION, COMPETITIVE CLASSIFICATION AND PRICE LISTS OF TELECOMMUNICATIONS COMPANIES

WAC


480-121-011 Application of rules.
480-121-015 Exemptions from rules in chapter 480-121 WAC.
480-121-016 Additional requirements.
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480-121-018 Delivery of a filing.
480-121-020 Requirements for applications for registration, petitions for competitive classification, and initial price lists.
480-121-026 Rejecting a filing.
480-121-040 Granting or denying petitions for registration.
480-121-060 Revoking a registration.
480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive.
480-121-062 Requirements for filing a petition for competitive classification of a telecommunications service.
480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies.
480-121-064 Reclassifying a competitive telecommunications company or service.
480-121-065 Customer notice requirements—Petition for competitive classification of a service.


## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-121-010 Filing of registration application, competitive classification petition, and price list. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-023 When a supplemental application is required. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-030 Additional information. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-050 Cancellations. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-070 Petition for competitive classification. [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.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

**WAC 480-121-011 Application of rules.** (1) The rules in this chapter apply to any telecommunications company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) Price list provisions filed by telecommunications companies must conform with these rules. If the commission accepts a price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-121-015. Price lists that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a telecommunications company or customer by posing an informal complaint under WAC 480-09-150 (Informal complaints) or by filing a formal complaint under WAC 480-09-420 (Pleadings and briefs—Applications for authority—Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-011, filed 5/14/02, effective 6/17/02.]

**WAC 480-121-015 Exemptions from rules in chapter 480-121 WAC.** (1) The commission may grant an exemption from the provision of any rule in this chapter, if consistent with the public interest, with the purposes underlying regulation and with 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-015, filed 5/14/02, effective 6/17/02. 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 480-121-016 Additional requirements.** (1) These rules do not relieve any telecommunications company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any telecommunications company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-016, filed 5/14/02, effective 6/17/02.]

**WAC 480-121-017 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-017, filed 5/14/02, effective 6/17/02.]

**WAC 480-121-018 Delivery of a filing.** (1) The commission will accept an application, petition for competitive classification, and initial price list filing delivered in person, by mail, fax, or (when procedures are in place) electronic means. The commission will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission will return an electronic mail message noting the receipt date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-018, filed 5/14/02, effective 6/17/02.]

**WAC 480-121-020 Requirements for applications for registration, petitions for competitive classification, and initial price lists.** (1) Applications for registration and petitions for competitive classification must be in the form prescribed by the commission.

(2) Applications for registration:

(a) Must be filed with a petition for competitive classification and an initial price list unless applicant will not be subject to effective competition;

(b) Must comply with the rules set forth in chapters 480-80 and 480-120 WAC;

(c) Must be filed at the office of the commission in Olympia, Washington; and

(d) Will be assigned a docket number. All documents subsequently filed in the matter must bear that docket number.

(3) The commission may require, with or without hearing, that an applicant for registration clearly show:

(a) Adequate financial resources to provide the proposed service;

(b) Adequate technical competence to provide the proposed service; and

(c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

(4) The commission may request that an applicant provide information regarding the applicant's regulatory performance in other states where it operates.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-020, filed 5/14/02, effective 6/17/02. 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 480-121-026 Rejecting a filing.** The commission may reject any filing that does not comply with commission rules.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-026, filed 5/14/02, effective 6/17/02. 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 480-121-040 Granting or denying petitions for registration.** (1) The commission secretary may grant an application for registration without hearing when the application is on a form prescribed by the commission and contains the following:

(a) The name and address of the company;

(b) The name and address of its registered agent, if any;

(c) Name, address, and title of each officer or director;

(d) The most current balance sheet;

(e) The latest annual report, if any; and

(f) A description of the telecommunications services it offers or intends to offer.

(2) The commission may deny an application for registration if, after hearing, the commission finds that the application is not consistent with the public interest or that the applicant:

(a) Failed to provide the information required by RCW 80.36.350;

(b) Failed to provide the performance bond described in RCW 80.36.350 and WAC 480-120-127, if required;

(c) Does not possess adequate financial resources to provide the proposed service; or

(d) Does not possess adequate technical competency to provide the proposed service.

(3) The commission may deny an application for registration submitted by an alternate operator services company if, after hearing, the commission finds that the services or charges offered by the company are not consistent with the public convenience and advantage.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-040, filed 5/14/02, effective 6/17/02; . 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 480-121-060 Revoking a registration.** (1) The commission may revoke a registration, after notice and opportunity for a hearing, for good cause. Good cause includes, but is not limited to, failure to:

(a) File an annual report;

(b) Pay regulatory fees;

(c) Provide adequate service;

(d) Maintain the telecommunications company's current address and telephone number; or

(e) Comply with all applicable federal, state, and local telecommunications business and technical regulations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-060, filed 5/14/02, effective 6/17/02. 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 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive.** (1) Initiation of classification proceedings. A telecommunications company requesting competitive classification must file a petition with the commission. The petition must state the effective date of the requested classification, which must be at least thirty days after the filing date. The commission may initiate a competitive classification proceeding on its own motion by order instituting investigation.

(2) Intervention. Any person desiring to participate in a competitive classification proceeding may petition to intervene as provided in WAC 480-09-430.

(3) Additional parties. In any competitive classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine the proper classification of the affected companies.

(4) Burden of proof. In any competitive classification proceeding, the telecommunications company has the burden

of demonstrating that the company or specific service(s) is subject to effective competition.

(5) Effective competition. Effective competition means that customers of the service(s) have reasonably available alternatives and that the company does not have a significant captive customer base for the service(s). The commission will consider the factors outlined in RCW 80.36.320 (1)(a) through (d) when determining whether a company is competitive.

(6) The competitive classification becomes effective on the stated effective date unless the commission suspends the proposed classification. If the commission suspends a proposed classification, it will enter a final order within six months from the date the petition was filed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-061, filed 5/14/02, effective 6/17/02; 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-061, filed 4/4/01, effective 5/5/01.]

**WAC 480-121-062 Requirements for filing a petition for competitive classification of a telecommunications service.** A petition for competitive classification of a telecommunications service must, at a minimum, include:

(1) The name and address of the petitioning company;

(2) The name and telephone number of regulatory contact;

(3) A description of the services it offers;

(4) The names and addresses of any entities that would be classified as "affiliated interests" of the petitioner as defined in RCW 80.16.010; and

(5) A description of the service the petitioner proposes to classify as competitive. With respect to each service, the petitioner must provide the following information:

(a) A description of all functionally equivalent or substitute services in the relevant market;

(b) The names and addresses of all providers of the services known or reasonably knowable to the petitioner;

(c) The prices, terms, and conditions under which the services are offered by competitors to the extent known or reasonably knowable to the petitioner;

(d) A geographical description of the relevant market;

(e) An estimate of the petitioner's market share;

(f) A description of ease of entry into the market; and

(g) A statement of whether the petitioner has a significant captive customer base and the basis for any contention that it does not.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-062, filed 5/14/02, effective 7/16/02; 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-062, filed 4/4/01, effective 5/5/01.]

**WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies.** (1) The following regulatory requirements are waived for competitively classified companies:

(a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);

(b) RCW 80.04.310 (Commission's control over expenditures);

(c) RCW 80.04.320 (Budget rules);

(d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);

(e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);

(f) RCW 80.04.460 (Investigation of accidents);

(g) RCW 80.04.520 (lease of utility facilities);

(h) RCW 80.36.100 (Tariff schedules to be filed and open to public);

(i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);

(j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);

(k) Chapter 80.12 RCW (Transfers of property);

(l) Chapter 80.16 RCW (Affiliated interests);

(m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;

(n) Chapter 480-140 WAC (budgets);

(o) Chapter 480-143 WAC (transfers of property);

(p) Chapter 480-146 WAC (securities and affiliated interests);

(q) WAC 480-120-031 (Accounting);

(r) WAC 480-120-032 (Expenditures for political or legislative activities);

(s) WAC 480-120-043 (Notice to the public of tariff changes);

(t) WAC 480-120-046 (Service offered);

(u) WAC 480-120-131 (Reports of accidents);

(v) WAC 480-120-541 (Access charges);

(w) WAC 480-120-542 (Collective consideration of Washington intrastate rate, tariff, or service proposals); and

(x) WAC 480-120-544 (Mandatory cost changes for telecommunications companies).

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory requirement set forth in (a) through (x) of this subsection or may waive any regulatory requirement not included in (a) through (x) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-063, filed 5/14/02, effective 6/17/02; 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-063, filed 4/4/01, effective 5/5/01.]

**WAC 480-121-064 Reclassifying a competitive telecommunications company or service.** After notice and hearing, the commission may reclassify any competitive telecommunications company or service if it determines that reclassification would protect the public interest. The tele-

communications company must demonstrate that the existing competitive classification is proper and consistent with the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-064, filed 5/14/02, effective 6/17/02; 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-064, filed 4/4/01, effective 5/5/01.]

**WAC 480-121-065 Customer notice requirements—Petition for competitive classification of a service.** (1) When a telecommunications company petitions for competitive classification of a telecommunications service(s), the company must provide notice to each affected customer at least thirty days before the requested effective date.

(2) Each customer notice must include, at a minimum:

(a) The date the notice is issued and the proposed effective date of the competitive classification;

(b) The company name and address;

(c) A clear explanation of the proposal to give customers the basis for understanding the proposal and the potential impact of the change. The company may satisfy this requirement with its own explanation or by using commission-developed language available from the commission's designated public affairs officer;

(d) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(e) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) Within ten days of making a filing requiring posting, publication, or customer notice, a company must file a declaration with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When the notice was first posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(5) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(6) The commission may require notice to customers other than those described in this rule when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-121-065, filed 5/14/02, effective 6/17/02.]

## Chapter 480-122 WAC
## WASHINGTON TELEPHONE ASSISTANCE PROGRAM

WAC


480-122-010 Definitions.
480-122-020 Washington telephone assistance program rate.
480-122-050 Other charges.
480-122-060 Telephone assistance excise tax.
480-122-080 Accounting.


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

480-122-030 Connection fees. [Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-030, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-030, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-040 Deposit waiver. [Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-040, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-070 Recovery of costs. [Statutory Authority: RCW 80.01.040. 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-070, filed 9/2/98, effective 10/3/98; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-070, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-070, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-090 Administration. [Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-090, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-090, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

**WAC 480-122-010 Definitions.** For purposes of this chapter:

(1) "Local exchange company" means a telecommunications company providing local exchange telecommunications service.

(2) "Department" means the department of social and health services.

(3) "Washington telephone assistance program" means the program of local exchange service discounts administered by the department.

(4) "Switched access line" means, for the purpose of applying the telephone assistance program excise tax, a communication facility extending from a serving central office to a customer's premises to provide access to and from the switched telecommunications network for message toll service and local calling. When used with PBX or Centrex-CU a switched access line may also be referred to as a trunk.

(5) Radio communications service company has the meaning found in RCW 80.04.010, except that for the purposes of this section it includes only those companies providing two-way voice communication as a common carrier.

(6) "Eligible telecommunications carrier" (ETC) means a carrier designated as an ETC pursuant to 47 U.S.C. 214(e).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-010, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-010, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-010, filed 10/1/87.]

**WAC 480-122-020 Washington telephone assistance program rate.** The commission shall set by order the telephone assistance rate to be paid by program participants for local service. Every eligible telecommunications carrier (ETC) must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475. Every non-ETC local exchange company must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475 when one hundred or more of its access lines are subscribed to for residential service. Radio communications service companies that are not ETCs may offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-020, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-020, filed 9/2/98, effective 10/3/98; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-020, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-020, filed 10/1/87.]

**WAC 480-122-050 Other charges.** No change of service charge shall be charged to an eligible subscriber for the establishment of service under the telephone assistance program.

[Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-050, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-050, filed 10/1/87.]

**WAC 480-122-060 Telephone assistance excise tax.** Wireline local exchange companies shall collect a telephone assistance excise tax on all switched access lines in an amount set by the commission by order at the request of the department. Each party line customer shall be assessed the telephone assistance excise tax in full. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." Money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-060, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 92-20-031 (Order R-377, Docket No. UT-920696), § 480-122-060, filed 9/28/92, effective 10/29/92; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-060, filed 9/11/90, effective 10/12/90; 89-11-020 (Order R-300, Docket No. U-89-2754-R), § 480-122-060, filed 5/11/89; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-060, filed 10/1/87.]

**WAC 480-122-080 Accounting.** Local exchange companies shall maintain their accounting records so that expenses associated with the telephone assistance program can be separately identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-080, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-080, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-080, filed 10/1/87.]

## Chapter 480-123 WAC
## FEDERAL UNIVERSAL SERVICE CONTRACTS

WAC

480-123-010 Federal universal service contracts.

**WAC 480-123-010 Federal universal service contracts.** For purposes of schools and libraries receiving federal universal service funding under 47 CFR, Part 54 of the Federal Communications Commission rules, the following discounts shall apply:

| SCHOOLS AND LIBRARIES DISCOUNT MATRIX HOW DISADVANTAGED? % of students eligible for national school lunch program | DISCOUNT LEVEL urban discount (%) | rural discount (%) |
|---|---|---|
| <1 | 20 | 25 |
| 1-19 | 40 | 50 |
| 20-34 | 50 | 60 |
| 35-49 | 60 | 70 |
| 50-74 | 80 | 80 |
| 75-100 | 90 | 90 |

[Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-123-010, filed 1/28/98, effective 2/28/98.]

## Chapter 480-140 WAC
## COMMISSION GENERAL—BUDGETS

WAC

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.
480-140-080 Confidentiality provision.
480-140-180 Additional information.

### 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 480-140-080 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 480-140-180 Additional information.** The commission may, in its discretion, require any public service company to furnish information, data or detail as to any proposed expenditure.

[Order R-5, § 480-140-180, filed 6/6/69, effective 10/9/69.]

## Chapter 480-143 WAC
## COMMISSION GENERAL—TRANSFERS OF PROPERTY

WAC


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.


### 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 480-143-100 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 ser-

vice 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 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. 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 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. 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.]

## Chapter 480-146 WAC

## COMMISSION GENERAL—SECURITIES, LIENS, AFFILIATED INTERESTS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

WAC


480-146-240 Application of rules.
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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.

480-146-100 Notes with combined twelve months maturity exempt. [Order R-5, § 480-146-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-16-009 (Order R-431, Docket No. A-950021), filed 7/20/95, effective 8/20/95. Statutory Authority: RCW 80.01.040 and 1994 c 251.

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 480-146-240 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.]

**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.]

**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.

[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 480-146-380 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) |

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) Reconcilement 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.]

## Chapter 480-149 WAC
## TARIFF CIRCULAR NO. 6

WAC


480-149-010 Form and size of tariffs.
480-149-020 Changes to be indicated.
480-149-030 Title page to all tariffs.
480-149-040 General rules.
480-149-050 Freight tariffs.
480-149-060 Passenger tariffs.
480-149-100 Transfer of rates or fares from one tariff to another.
480-149-110 Amendments and supplements.
480-149-120 Notice required—Less than statutory notice.
480-149-130 Method of filing.
480-149-140 Rates prescribed by the commission.
480-149-150 Power of attorney, concurrence and revocation notice.
480-149-160 Approval of rates by commission.
480-149-170 Suspension of tariffs.
480-149-180 Discontinuance of service.
480-149-190 Blank forms.
480-149-200 Waiver of rules.
480-149-210 Adoption of Interstate Commerce Commission regulations.


### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-149-070 Excursion service company and temporarily reduced one-way tariffs. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-070, filed 7/11/84; Order R-16, § 480-149-070, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 90-22-031 (Order R-329, Docket No. T-900076), filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 80.01.040.

480-149-080 Storage warehouse tariffs. [Order R-16, § 480-149-080, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-149-090 Tariffs of "wharfingers or warehousemen." [Order R-16, § 480-149-090, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

**WAC 480-149-010 Form and size of tariffs.** (1) All tariffs and supplements thereto must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper with not smaller than 8 point type, except that 6 point bold face type may be used for reference marks and except as provided in WAC 480-149-030 (1)(b).

(2) The size must be 8 by 11 inches or 8-1/2 by 11 inches except railroad local passenger tariffs which may be 4 by 9 inches.

(3) A margin of not less than five-eighths of an inch must be left for binding.

[Order R-16, § 480-149-010, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-020 Changes to be indicated.** (1) All printed or typewritten tariffs and supplements must indicate all changes in rates, fares, charges, rules, regulations or classifications by use of the following symbols in connection with such changes:

δ or (R) to denote reductions
ϕ or (A) to denote increases
⚠ or (C) to denote changes in wording which result in neither reductions nor increases in charges.

(2) Explanations of all symbols used must be provided in the tariff or supplement in which used and the symbols designated in subsection (1) must not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates, fares or charges in a tariff or supplement or a page thereof, that fact and the nature of such changes may be indicated in distinctive type at the top of the title page of such issue or at the top of each page respectively in the following manner "All rates, fares or charges in this issue are increases," or "All rates, fares or charges on this page are reductions except as otherwise provided in connection with the rates, fares or charges." Under this paragraph of the rule a bold face dot, "•," must be used to symbolize a rate, fare or charge in which no change has been made. This symbol must not be used for any other purpose.

(4) When a tariff or supplement canceling a previous issue omits points of origin or destination, rates, fares, charges, rules, regulations or routes which were contained in such previous issue, the new tariff or supplement shall indicate the omissions and if such omissions effect changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in subsection (1) of this rule.

[Order R-16, § 480-149-020, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-030 Title page to all tariffs.** (1) The title page of every tariff or supplement must show not less than 30 days' notice, or bear plain notation to the number and date of the permission or rule or decision of the commission under which it is effective on less than such statutory notice. The title page of every tariff, and the title page of every supplement shall show at least the following:

(a) Name of company issuing tariff and the number of its certificate, permit or license, if any, as the case may be; or name of bureau or agency filing tariff under powers of attorney.

(b) An identifying tariff number; also supplement number if the filing is a supplement. If tariffs or supplements are canceled thereby the numbers of such tariffs or supplements shall be named. If the number of canceled publications is so large as to render it impracticable to thus enter them on the title page they must be shown immediately following the table of contents provided specific reference thereto is entered on title page directly under the tariff or supplement number.

(c) Type of service covered by the tariff.

(d) The territory from and to which the tariff or supplement applies or location of dock or warehouse.

(e) On tariffs which have interstate application, a clear statement indicating the Washington intrastate application or nonapplication of the tariff, or reference to a page or item where such statement will be found.

(f) Reference by name and number to the classification, exceptions thereto and rules circulars, if any, governing the tariff or supplement. In the alternative reference may be shown on the title page to an item or page of the tariff where governing publications are named. A tariff is not governed by a classification, classification exceptions or rules circular except when and to what extent stated on or in the tariff.

(g) Date of issue and date effective. When a tariff or supplement is made to expire on a given date the term "Expires on __(date)__ unless sooner canceled, changed or extended," must be used.

(h) On every tariff or supplement in which the rates, fares, charges, rules or regulations are made effective on less than statutory notice the notation "Issued on less than statutory notice under authority of __(show authority)__" must be shown.

(i) Name, title and street address of tariff publishing officer by whom the tariff or supplement is issued.

[Order R-16, § 480-149-030, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-040 General rules.** (1) When a tariff or item in a tariff gives reference to another tariff, full number reference to such tariff must be given unless otherwise specifically authorized by the commission.

(2) If a tariff carries joint rates or rates applying over more than one road, local routing and junctions must be given.

(3) All basing or proportional rates must clearly specify the extent and manner of their use.

(4)(a) All tariffs of transportation companies, except water transportation companies, must carry a rule providing for intermediate application which must apply except where a waiver of the long and short haul statute (RCW 81.28.200) is specifically authorized by the commission.

(b) When the commission has issued an order granting to a carrier authority to depart from the provisions of the "long and short haul statute," each tariff or supplement issued and filed under such authority must bear a notation to the following effect:

(i) "This tariff (or supplement) contains rates that are higher for shorter than longer distances over the same route. Such departure from the terms of RCW 81.28.200, is permitted by authority of W.U.T.C. order (or orders), as indicated in individual items of this tariff (or supplement)."

(5) All tariffs of transportation companies shall contain a clause protecting the combination of local rates where such combinations are lower than the through tariff rates, and shall authorize the application of such lower rates.

[Order R-16, § 480-149-040, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-050 Freight tariffs.** Freight tariffs shall contain: (1) Table of contents (unless otherwise specifically authorized by the commission). A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that it plainly discloses its contents, the table of contents may be omitted.

(2) A list, alphabetically arranged, of the names of all carriers participating in the tariff. If there be not more than 10 participating carriers, their names may be shown on the title page. Each carrier or agent which issues a joint tariff shall file with the commission an informal list or schedule of powers of attorney or concurrences; or in the alternative may show the powers of attorney or concurrence numbers in connection with the list of participating carriers in the tariff.

(3) A complete index alphabetically arranged of all articles upon which commodity rates or exceptions to the governing classification are named together with reference to each item or page where such article is shown. If all of the commodity rates to each destination in a general commodity or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from the tariff.

(4) An alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which all rates apply except where all or substantially all rates apply in both directions the points of origin and destination may be shown in one index. Such index or indexes must show the item, page or index numbers from or to which rates apply. If there be not more than 12 points of origin or 12 points of destination, the name of each if practicable may be shown on the title page. If the points of origin or of destination are shown alphabetically arranged or are shown by groups alphabetically arranged, no index is required.

(5) List of exceptions, if any, to the classification, or reference to a classification exception tariff or tariffs governing the tariff.

(6) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff may be necessary to remove all doubt as to their proper application.

(7) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with, and on the same page with, such rates. Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual carrier or by an agent, providing that reference is made to such tariffs on the title page.

(8)(a) An explicit statement of the rates, in cents or in dollars and cents per pound, per 100 pounds, per barrel or other package, per ton, or per car, or other unit, together with the names or designations of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights or other units must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified as "gross ton" or "long ton" or a "ton of 2,240 pounds." A ton measurement must be specified as "ton of 40 cubic feet." Complicated or ambiguous terms must be avoided. Insofar as possible such rates should be assigned an identifying number to facilitate reference thereto. If all rates are stated in the same unit that fact may be indicated on the title page immediately in connection with the application of the tariff.

(b) When articles are made subject to percentages of class rates the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference may be made to an appropriate table published in the tariff containing the class rates. Unless this is done specific commodity rates must be published.

(c) A commodity item may provide rates on a number of items by the use of generic heading without naming such articles, providing such commodity item contains reference to an item in the tariff which contains a complete list of such articles, or contains reference to the number of a separate tariff containing such a list of articles. Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic heading is shown in the item, tariff or classification so referred to.

(9) The different routes via which rate applies must be shown. When a tariff specifies routing, the rates may not be applied via routes not specified.

(10) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(11) The above rules are in addition to the general rules of this circular insofar as they apply to freight operations.

[Order R-16, § 480-149-050, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-060 Passenger tariffs.** Passenger tariffs shall contain:

(1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-060, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-060, filed 7/11/84; Order R-16, § 480-149-060, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-100 Transfer of rates or fares from one tariff to another.** (1) If a tariff or supplement to a tariff or a revised page is issued which is to displace a part of another tariff which is in force at the time and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement or revised page which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date. Such reissue, supplement or revised page must state where rates or fares will thereafter be found and must be filed at the same time and in connection with the tariff, supplement or revised page which contains the new rates or fares.

(2) When a tariff is canceled by the issuance of another tariff to take its place, cancellation notice must be given by notice in the new tariff as provided in WAC 480-149-030 (1)(b).

(3) An agent who acts under authority of power of attorney is fully authorized to act for the principals that have named him their agent and attorney, and therefore when an agent publishes rates or fares in his tariffs which are to displace the rates or fares in his principal's tariff, the agent must cancel the rates or fares in his principal's tariffs as per subsection (1) of this rule.

(4) A carrier must not publish in its individual tariff rates or fares which are to displace the rates or fares published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates or fares in his tariff effective on the same date, as per subsection (1) of this rule.

(5) When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the rates or fares will thereafter be found or what rates or fares will thereafter apply. When a tariff is canceled by another tariff which does not contain all the rates or fares shown in the tariff to be canceled, the canceling tariff must show where rates or fares not shown therein will thereafter be found or what rates or fares will thereafter apply.

(6) When portions of a tariff or of a supplement to a tariff, are designated as items they must be given numbers; and the cancellation of an item by supplement must be under the same item number with a letter suffix in alphabetical sequence. If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates or fares are to be found. If an item is withdrawn in its entirety or

expires by its own terms, leaving no rates or fares or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item. When withdrawing a rule or item designated by an item number, the canceled matter need not be reproduced in connection with the item effecting the cancellation, except to the extent necessary to identify the item.

[Order R-16, § 480-149-100, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-110 Amendments and supplements.** (1) A change in or addition to a tariff shall be known as an amendment, and excepting amendments to tariffs of less than three pages, and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) No supplement shall be issued on tariffs containing less than three pages or to tariffs in loose-leaf form except for the purpose of canceling the tariff or unless specifically authorized by the commission.

(3) Tariffs issued in loose-leaf form can only be amended by issuing revised pages to the tariff except as provided in subsection (2) of this rule. A revised page must carry the same page number as is carried by the page which it cancels. For example, 1st revised page 1 cancels original page 1.

(4) When a participating party is eliminated by supplement or revised page, such supplement or revised page must also provide for cancellation of rates or fares in connection with that party.

(5)(a) Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariffs which it cancels and shall also show what supplements contain actual changes from the rates, fares, rules or regulations in the original tariff.

(b) Purely intrastate supplements to a tariff having interstate application may be assigned the number of the last interstate supplement with capital letters of the alphabet (used consecutively) added, such as "23A," except that if any intrastate supplements are issued prior to Supplement No. 1, such intrastate supplements will be identified with capital letters of the alphabet used consecutively, such as "A," "B," etc.

(6) Except as provided in subsections (9), (10) and (11) of this rule, the following is the number of effective supplements permitted to any tariff:

| | |
|---|---|
| 2 pages and less ..... | No supplements. |
| 3 to 16 pages, inclusive ..... | 1 supplement. |
| 17 to 80 pages, inclusive ..... | 2 supplements, and 1 additional supplement of not to exceed 4 pages. |
| 81 to 200 pages, inclusive .... | 3 supplements, and 1 additional supplement of not to exceed 4 pages. |
| 201 pages and more ..... | 4 supplements and 1 additional supplement of not to exceed 4 pages. |

In addition to the above, not to exceed 2 purely intrastate supplements may be in effect to tariffs which have interstate application.

In connection with the number of supplements issued as exceptions to the rule, reference marks must be used and explained on title pages to indicate the nature of the supplements filed under such authority. The reference marks and explanations must also be shown on every subsequent supplement showing that such supplements are still effective. The term "cancels conflicting portions" must not be used but cancellations must be specific.

(7) Every publication which contains rates, fares, rules, or regulations effective upon a date different from the general effective date of such publication must show on its title page the following notation:

"Effective . . . . . , 19. . . (except as otherwise provided herein)" or "except as provided in (item or page)."

(8) Matter brought forward without change from one supplement to another must be designated "reissued" and must show the number of the supplement from which it was reissued.

(9) When the name of a company is changed, or when its operating control is transferred to another, the company which will thereafter operate the properties shall file and post new tariffs in the name of the new company; except that where the company name remains unchanged or where tariffs consist of 5 or more pages, or where three or more tariffs are involved, or where there are powers of attorney or concurrences outstanding, an adoption notice, given a "tariff" number may be filed, reading as follows:

Tariff No. . . . . .

. . . . . .
(Insert here name of new company)

ADOPTION OF TARIFFS, CONCURRENCES, DIVISIONS, ETC.
OF THE

. . . . . .
(Insert here name of old company)

BY THE

. . . . . .
(Insert here name of new company)

The. . . . . hereby adopts,
(Name of new company)

ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Washington Utilities and Transportation Commission by the

. . . . . .
(Insert here name of old company)

prior to ..... the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

ISSUED: . . . . . .
(Insert date here)

EFFECTIVE: .....
(Insert date here)

ISSUED BY: .....
(Insert here name of traffic official)

.....
(Insert here address)

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In addition to the above adoption notice the new company shall immediately file a supplement to each of the tariffs covered by the adoption notice, reading as follows:

> Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the (Name of new company) as per its adoption notice No. . . . . .

Such supplements issued under authority of this rule must contain no other matter, must bear reference to this rule and must be designated by a reference mark as provided in subsection (6) of this rule.

Similar adoption notice must immediately be filed by a receiver, when he assumes possession and control of a company.

Except where concurrences and powers of attorney are filed with the Interstate Commerce Commission, concurrences and powers of attorney adopted by a company or receiver must within 120 days be replaced and superseded by new concurrences and powers of attorney issued and numbered in the series of the new company or receiver. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in WAC 480-149-150.

(10)(a) Upon receipt of an order of suspension of any tariff publication or portion thereof, the carrier or agent who filed such publication shall immediately file with the commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the . . . . . period prescribed in the commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the commission's order the date must be specified), except by order or special permission of the commission.

(b) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the commission's order, and if prior to the expiration of that order the commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, on the authority of this permission, issue a supplement effecting such further deferment. Also, after the expiration of the period prescribed by the commission's order, the carrier or publishing agent may, when requested by the commission and on the authority of this permission, issue a supplement further postponing the effective date of the suspended matter. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the commission has been voluntarily postponed, beyond the term of the commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the commission's suspension order, except by order or special permission of the commission.

(c) When the commission suspends an entire supplement to a tariff, or portions of a tariff or of a supplement to a tariff, the commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain is not waived, except that a supplement containing suspended matter will not be counted against the number of effective supplements, or the volume of supplemental matter permitted to such tariff under WAC 480-149-110(6) provided all matter in such supplement, except the suspended portions thereof, are reissued in or specifically canceled by a subsequent supplement.

(d) When a tariff, any portion of which is under suspension, is canceled the new tariff may either:

(i) Cancel the previous tariff "except portions under suspension in Cause No. . . . . , viz. (Identifying the suspended portion by item and page number)," or

(ii) Cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely deferred the new tariff must state that fact by appropriate language.

(iii) When a supplement which is suspended in part is reissued, such reissue shall cancel the supplement containing the suspended matter except portions under suspension in Cause No. . . . . .

(e) A suspended rate, charge, classification, regulation, or practice may not be changed or withdrawn except by order or special permission of the commission, nor may any change be made in a rate, charge, classification, rule, regulation, or practice which is contained in effect as a result of such suspension except under order or special permission of the commission.

(f) When the commission vacates an order of suspension as of a date earlier than the date to which suspended, or when the responsible carrier or agent has deferred the effective date of the suspended matter under authority of this permission and the commission, after the expiration of its order of suspension, finds the suspended matter justified, the responsible carrier or agent may file with the commission on one day's notice, unless otherwise directed by the commission, a sup-

plement stating the date upon which the suspended matter will become effective.

(g) Every suspension, vacating and cancellation supplement issued under authority of this rule must bear on its title page the following notation: "Issued under authority of WAC 480-149-110(10). Tariff Circular 6, and in compliance with Order No. . . . . of the Washington Utilities and Transportation Commission of (date) ."

Such supplements will not be counted against the number of effective supplements permitted under subsection (6) of this rule. All such supplements must be given the same general distribution as the tariff or supplement affected.

(11) Except as to loose-leaf tariffs and tariffs containing less than three pages one additional supplement may be issued to any tariff in excess of the number allowed by WAC 480-149-110(6) for the purpose of establishing rates, fares, classifications, rules, or regulations in compliance with a decision or order of the commission in a formal case. Only one such supplement may be in effect at any one time and it shall bear on its title page the following notation in addition to showing reference to the opinion or order:

"This supplement is issued under authority of WAC 480-149-110(11) of Tariff Circular 6 and will be included in and canceled by the next regular supplement filed to this tariff."

[Order R-16, § 480-149-110, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-120 Notice required—Less than statutory notice.** (1) Unless more copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(3) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is submitted or the form on which it is submitted clearly and prominently specifies that the tariff is submitted to become effective on less than statutory notice.

(4) Whenever a carrier files a tariff on not less than forty-five days' notice, containing increased rates and charges for collection and disposal of solid waste, the carrier shall notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on the date stated in the filing and that the carrier has asked that it become effective on the date requested. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers may express their opinions regarding the filing in writing to the Washington utilities and transportation commission and shall state the mailing address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

[Statutory Authority: RCW 80.01.040. 94-14-012 (Order R-418, Docket No. TV-940147) § 480-149-120, filed 6/23/94, effective 7/24/94; 93-24-103 (Order R-400, Docket No. A-930517), § 480-149-120, filed 12/1/93, effective 1/1/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-120, filed 10/31/90, effective 12/1/90; 88-08-047 (Order R-285, Cause No. TG-2146), § 480-149-120, filed 4/4/88; 88-01-115 (Order R-283, Cause No. T-2118), § 480-149-120, filed 12/23/87; 83-11-019 (Order R-203, Cause No. TR-1697), § 480-149-120, filed 5/11/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-130 Method of filing.** (1) All tariffs, supplements or revised pages must be delivered to the commission free from all charges.

(2) Each company or agent must file tariffs under serial numbers of its own.

(3)(a) Copies of each tariff, supplement, revised page or other schedule shall be included in one package and under one letter of transmittal.

(b) Letters of transmittal may be in duplicate. In that event one copy will be stamped with the date received by the commission and returned to the sender as a receipt for the publication.

(c) Tariffs mailed for filing must be addressed: Washington Utilities and Transportation Commission, Olympia, Washington.

(4) Tariffs, supplements or revised pages which are received for filing too late to give the commission the required notice are subject to rejection and return. The filing date will be considered the actual date the publication is received by the commission at its office in Olympia except as

provided in WAC 480-149-120(1). No consideration will be given to delays in transmittal.

(5) When a tariff publication is rejected by the commission the number which it bears must not again be used. The publication which is issued in lieu of such rejected publication must bear the notation "Issued in lieu of . . . . . rejected by the Washington Utilities and Transportation Commission."

[Order R-16, § 480-149-130, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-140 Rates prescribed by the commission.**

(1) Rates, fares, rules or regulations prescribed by the commission in its decisions and orders in formal cases shall be promulgated by the companies against which such orders are entered, in duly published, filed and posted tariffs, supplements or revised pages which shall show notation to that effect. Only the rates or fares so prescribed will carry such notations. Notice shall be sent the commission that its decision or order in Cause No.. . . . . , has been complied with in item. . . . . , page. . . . . of Tariff No. or supplement or revised page No.. . . . to. . . . Tariff No.. . . . . .

(2) Unless otherwise specified in the decision or order in the case, such tariff, supplement or revised page must be made effective upon statutory notice to the commission and the public. Whether made effective on less than statutory notice, or upon statutory notice, when an entire tariff, supplement or revised page is issued in compliance with a decision or order, such tariff, supplement or revised page shall bear on its title page the notation "Issued in compliance with decision (or order) of the Washington Utilities and Transportation Commission in Cause No.. . . . . "

If the decision or order of the commission affects only portions of the tariff, supplement or revised page, the above notice shall be shown in connection with each portion so affected.

[Order R-16, § 480-149-140, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-150 Power of attorney, concurrence and revocation notice.** (1) This rule does not apply where powers of attorney and concurrences are filed with the Interstate Commerce Commission.

(2) An agent may be either an individual person or a corporation. Such agent must file tariffs under serial numbers of his own.

(3) The following form shall be used for a company to give authority to an attorney and agent to file tariffs and amendments or to give or file concurrences for it in its stead:

Power of Attorney No. . . . . .

. . . . . .

(Name of company)

. . . . . .

(Post office address)

. . . . . , 19. . .

KNOW ALL MEN BY THESE PRESENTS:

That the (Name of company) has made, constituted, and appointed and by these presents does make, constitute and appoint (Name of agent appointed) its true and lawful attorney and agent for the said company, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other companies, to receive concurrences in, and to file, rate schedules and supplements thereto, as required by the Washington Utilities and Transportation Commission. (Show limitations, if any)

. . . . . .

. . . . . .

. . . . . .

And the said (Name of company) does hereby give and grant unto its said attorney and agent full authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its . . . . . President and to be duly attested under its corporate seal by its. . . . . Secretary, at. . . . . , in the state of. . . . . , on this. . . . day of. . . . . , in the year of our Lord nineteen hundred and . . . .

. . . . . .

(Name of company)

By . . . . . .

ATTEST Its . . . . . , President

. . . . . Secretary

(Corporate seal)

(4) The following form shall be used by companies concurring in the rates, fares, rules or regulations of another company or agent.

CONCURRENCE NO. . . . . .

Name of Company (or individual) . . . . . .

. . . . . .

THIS IS TO CERTIFY

That the. . . . . assents to and concurs in the publication and filing of Rate Schedules or Supplements thereto which the. . . . . or its agent, now has on file or may make and file with the Washington Utilities and Transportation Commission over the following route, . . . . . .

. . . . . .

and hereby makes. . . . self a party to and bound thereby insofar as such schedules contain rates, rules or regulations applying for services specified, until this authority is revoked by formal and official notice of revocation filed with the Washington Utilities and Transportation Commission and with the . . . . . .

. . . . . .

Name of Company . . . . . .

Traffic Officer . . . . . .

Street Address . . . . . .

Post Office . . . . . .

Issued . . . . . Effective . . . . . .

(5) Companies granting authority to an agent or another company to publish and file certain of its rates shall not publish rates or fares which conflict with those published by such agent or other company.

(6) Each company issuing powers of attorney or concurrences to other public service companies or agents shall give a number to each document, using its own separate series for each form. This number shall be shown on the upper right-hand corner and immediately thereunder shall be shown the number of the power of attorney or concurrence, as the case may be, that is canceled thereby.

(7) A power of attorney or a concurrence may be revoked upon not less than 60 days' notice to the commission by filing a notice of revocation with the commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney or concurrence was executed. Such notice must not bear a separate serial number but must specify the number of the power of attorney or concurrence to be revoked, must name the agent in whose favor the power of attorney or concurrence was executed, must specify a date upon which revocation is to become effective which must not be less than sixty days subsequent to the date of its receipt by the commission and must be executed in the following manner:

REVOCATION NOTICE

. . . . . .
(Name of company)
. . . . . .
(Post office address)
. . . . . , 19. . .

Know all men by these presents:

Effective. . . . . , 19. . . , power of attorney No. . . . .
issued by . . . . . .
. . . . . in favor of . . . . . .
. . . . . is hereby canceled and revoked.

. . . . . .
Name of Company

By . . . . . .
ATTEST Its . . . . . , President
. . . . . Secretary
(Corporate seal)

Duplicate mailed to . . . . . at . . . . . .

(8) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs shall be made effective upon statutory notice not later than the effective date stated in the revocation notice.

(9) One copy of each power of attorney, concurrence and revocation notice must be filed with the commission, also one copy must be furnished to the agent or company to which such authorization is directed.

[Order R-16, § 480-149-150, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-160 Approval of rates by commission.** The filing of tariffs or supplements with the commission does not imply that the provisions thereof are approved, unless the commission has prescribed the rates, fares, rules, regulations or practices in an order, and companies must not in any way make such inference.

[Order R-16, § 480-149-160, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-170 Suspension of tariffs.** (1) The commission has power either on receipt of a complaint or protest or on its own motion to suspend the rates, fares, charges, rentals or tolls of any public service company as provided in RCW 81.04.130.

(2) No tariff or any part of a tariff will be suspended on a complaint or protest unless such complaint or protest is filed in compliance with the commission's rules of practice and procedure.

(3) When a tariff or any part of a tariff is suspended by the commission, supplements shall be filed as provided in WAC 480-149-110(10).

[Order R-16, § 480-149-170, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-180 Discontinuance of service.** When permission of the Washington utilities and transportation commission has been secured for discontinuance of service, supplements must be issued canceling tariffs. Such supplements shall carry full reference to the permission granted by the commission.

[Order R-16, § 480-149-180, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-190 Blank forms.** Blank forms of concurrence, power of attorney, adoption notice, revocation notice and application for permission to change rates on less than statutory notice, can be secured from the commission upon request.

[Order R-16, § 480-149-190, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-200 Waiver of rules.** Request for special permission to waive the provisions of this tariff circular may be made, in writing only, to the commission. Such permission, if granted, will be given a special permission number by the commission. Applicants receiving permission to depart from the terms of this circular, must publish in tariffs exactly as granted and must show directly in connection therewith the special permission number and date issued, except as may be otherwise authorized by the commission.

[Order R-16, § 480-149-200, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-210 Adoption of Interstate Commerce Commission regulations.** (1) Wherever the provisions of this tariff circular do not fully cover all of the points which may arise, the rules of the Interstate Commerce Commission's tariff circulars will apply and the commission hereby adopts the rules promulgated by the Interstate Commerce Commission and the tariff circulars issued by that body when same are not in conflict with the regulations herein.

(2) Wherever tariffs (or concurrences, etc.) having Washington intrastate application are filed also with the

Interstate Commerce Commission or with other state commissions, and are in compliance with the applicable tariff circular of the Interstate Commerce Commission or special waivers thereof, the tariffs will be governed only [by] the opening paragraph of WAC 480-149-030 and subdivision (1)(e) thereof of this circular, and the commission hereby adopts in full the rules promulgated by the Interstate Commerce Commission and the tariff circulars issued by that body.

[Order R-16, § 480-149-210, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]