

WSR 23-08-053
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF AGRICULTURE
[Filed March 31, 2023, 2:06 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the Washington state department of agriculture is formally withdrawing its proposed rule making to amend chapter 16-157 WAC, Organic food standards and certification (WSR 23-05-043).

If any questions arise regarding this action, please contact the agency's rules coordinator, Gloriann Robinson, 360-902-1802 or grobinson@agr.wa.gov.

Luisa F. Castro
Assistant Director

WSR 23-08-065
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed April 4, 2023, 8:30 a.m.]

Title of Rule and Other Identifying Information: Chapter 296-17B WAC, Retrospective rating for workers' compensation insurance, specifically WAC 296-17B-540 Determining loss incurred for each claim.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correcting a typographical error in the retro fatality calculation from \$33,500 to \$35,000 for the medical aid incurred loss.

Reasons Supporting Proposal: The fatality calculation will not be accurate unless this rule making is performed to correct the typographical error.

Statutory Authority for Adoption: RCW 51.18.010 (retrospective rating) and 51.04.020(1) (general authority).

Statute Being Implemented: RCW 51.18.010 (retrospective rating) and 51.04.020(1) (general authority).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Jo Anne Attwood, Tumwater, Washington, 360-902-4777; Implementation: Brenda Heilman, Tumwater, Washington, 360-902-6369; and Enforcement: Mike Ratko, Tumwater, Washington, 360-902-4997.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Correction of a typographical error to ensure the retro fatality formula calculates accurately.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jo Anne Attwood, Department of Labor and Industries, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, email JoAnne.Attwood@Lni.wa.gov, AND RECEIVED BY June 5, 2023, at 5 p.m.

April 4, 2023
Joel Sacks
Director

OTS-4437.1

AMENDATORY SECTION (Amending WSR 22-24-019, filed 11/30/22, effective 1/1/23)

WAC 296-17B-540 Determining loss incurred for each claim. (1)

Calculating the initial loss incurred:

For each of your claims, we will multiply the case incurred loss by the appropriate discounted loss development factors to determine the initial loss incurred.

If you have a fatality, we will use \$521,600 as the claim's initial incurred loss for the claim, with \$486,600 for accident fund incurred loss and (~~(\$33,500)~~) \$35,000 for the medical aid incurred loss, regardless of the case incurred loss, and before recovery factors if applicable.

(2) Applying the single loss occurrence limit:

The initial loss incurred for a claim will be the amount we use as the loss incurred unless the single loss occurrence limit applies.

The single loss occurrence limit applies when the sum of all initial losses incurred for your claims arising out of a single event is greater than your selected single loss occurrence limit. In that case, each claim's initial loss incurred will be its proportionate share of your single loss occurrence limit.

(3) Applying the expected loss ratio factors:

The preliminary loss incurred for a claim will be the amount of the initial loss incurred, after application of the single loss limit, multiplied by the appropriate expected loss ratio factor. The accident fund and medical aid fund portions of each claim will have separate expected loss ratio factors applied.

[Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). WSR 22-24-019, § 296-17B-540, filed 11/30/22, effective 1/1/23; WSR 21-24-066, § 296-17B-540, filed 11/30/21, effective 1/1/22; WSR 20-24-094, § 296-17B-540, filed 11/30/20, effective 1/1/21; WSR 19-24-029, § 296-17B-540, filed 11/25/19, effective 1/1/20; WSR 18-24-073, § 296-17B-540, filed 11/30/18, effective 1/1/19; WSR 17-24-041, § 296-17B-540, filed 11/30/17, effective 1/1/18; WSR 16-24-014, § 296-17B-540, filed 11/29/16, effective 1/1/17; WSR 15-24-103, § 296-17B-540, filed 12/1/15, effective 1/1/16; WSR 14-24-084, § 296-17B-540, filed 12/1/14, effective 1/1/15; WSR 13-24-073, § 296-17B-540, filed 11/30/13, effective 1/1/14. Statutory Authority: RCW 51.16.035, 51.32.073, 51.08.010, and 51.04.020(1). WSR 12-24-048, § 296-17B-540, filed 11/30/12, effective 1/1/13; WSR 11-24-026, § 296-17B-540, filed 12/1/11, effective 1/1/12. Statutory Authority: RCW 51.16.035, 51.16.100, 51.04.020(1), and 51.18.010. WSR 10-21-086, § 296-17B-540, filed 10/19/10, effective 11/19/10.]

WSR 23-08-067

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed April 4, 2023, 8:44 a.m.]

Title of Rule and Other Identifying Information: The dental quality assurance commission (commission) is proposing amendments to update rules regarding health profession monitoring programs in line with the passage of SSB 5496. The proposal amends WAC 246-817-801 Intent, 246-817-810 Definitions used relative to substance abuse monitoring, 246-817-820 Approval of substance abuse monitoring programs, and 246-817-830 Participation in approved substance abuse monitoring program.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SSB 5496 updated terminology, definitions, and references for dentists in RCW 18.32.534 and clarified confidentiality protections in RCW 18.130.070 for health professional monitoring programs. The proposed rules make technical amendments to align with changes required from SSB 5496 without changing the intent.

Reasons Supporting Proposal: The proposed changes are necessary to align existing rules with updates made to statute in SSB 5496.

Statutory Authority for Adoption: RCW 18.32.0365; SSB 5496 (chapter 43, Laws of 2022).

Statute Being Implemented: SSB 5496.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amber Freeberg, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4893.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rules make technical amendments without changing the intent of the rule to align with changes made through the passage of SSB 5496. The proposed rules make changes or clarify language of a rule without changing its effect. Proposed changes are explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Amber Freeberg, Department of Health, P.O. Box 47852, Tumwater, WA 98540-7852, phone 360-236-4893, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY June 5, 2023.

April 3, 2023

Lyle McClellan, DDS, Chair
Dental Quality Assurance Commission

OTS-4287.2

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-801 Intent. It is the intent of the legislature that the DQAC seek ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to ~~((the abuse of drugs including alcohol))~~ an applicable impairing or potentially impairing health condition. The legislature intends that these dentists be treated so that they can return to or continue to practice dentistry in a way which safeguards the public. The legislature specifically intends that the DQAC establish an alternate program to the traditional administrative proceedings against such dentists.

In lieu of disciplinary action under RCW 18.130.160 and if the DQAC determines that the unprofessional conduct may be the result of ~~((substance abuse))~~ an applicable impairing or potentially impairing health condition, the DQAC may refer the license holder to a physician health program or a voluntary substance ~~((abuse))~~ use disorder monitoring program approved by the DQAC.

[Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-801, filed 10/10/95, effective 11/10/95.]

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-810 Terms used in WAC 246-817-801 through 246-817-830. "Aftercare" is that period of time after intensive treatment that provides the dentist or the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

~~((**"Approved substance abuse monitoring program" or "approved monitoring program"** is a program the DQAC has determined meets the requirements of the law and the criteria established by the DQAC in the Washington Administrative Code which enters into a contract with dentists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs may provide evaluation and/or treatment to participating dentists.))~~

"Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

"Approved use disorder monitoring program" or "approved physician health monitoring program" is a program the DQAC has determined meets the requirements of the law and the criteria established by the DQAC

in the Washington Administrative Code which enters into a contract with dentists who have use disorders or other potentially impairing health conditions regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance use disorder or other potentially impairing health conditions monitoring programs may provide evaluation or treatment to participating dentists.

"Contract" is a comprehensive, structured agreement between the recovering dentist and the approved physician health program or substance use disorder monitoring program wherein the dentist consents to comply with the physician health program or substance use disorder monitoring program and the required components for the dentist's recovery activity.

"Dentist support group" is a group of dentists and/or other health professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"Random drug screens" are laboratory tests to detect the presence of drugs of abuse in bodily fluids collected under observation which are performed at irregular intervals not known in advance by the person to be tested.

"Substance ((abuse)) use disorder" is the impairment, as determined by the DQAC, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"Twelve-steps groups" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

[Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-810, filed 10/10/95, effective 11/10/95.]

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-820 Approval of physician health programs or substance ((abuse)) use disorder monitoring programs. The DQAC will approve the physician health program or substance use disorder monitoring program(s) which will participate in the recovery of dentists. The DQAC will enter into a contract with the approved physician health program or substance ((abuse)) use disorder monitoring program(s) on an annual basis.

(1) An approved physician health program or substance use disorder monitoring program may provide evaluations and/or treatment to the participating dentists.

(2) An approved physician health program or substance use disorder monitoring program staff must have the qualifications and knowledge of both substance ((abuse)) use disorders, other potentially impairing health conditions, and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;

(c) Providers of substance abuse treatment for substance use disorders or other potentially impairing health conditions, both individual and facilities;

(d) Dentists' support groups;

(e) The dentists' work environment; and

(f) The ability of the dentist to practice with reasonable skill and safety.

(3) An approved physician health program or substance use disorder monitoring program shall enter into a contract with the dentist and the DQAC to oversee the dentist's compliance with the requirements of the program.

(4) An approved physician health program or substance use disorder monitoring program staff shall evaluate and recommend to the DQAC, on an individual basis, whether a dentist will be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(5) An approved physician health program or substance use disorder monitoring program shall maintain records on participants.

(6) An approved physician health program or substance use disorder monitoring program shall be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(7) An approved physician health program or substance use disorder monitoring program shall report to the DQAC any dentist who fails to comply with the requirements of the physician health program or substance use disorder monitoring program.

(8) An approved physician health program or substance use disorder monitoring program shall provide the DQAC with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the DQAC.

(9) The approved physician health program or substance use disorder monitoring program shall receive from the DQAC guidelines on treatment, monitoring, and/or limitations on the practice of dentistry for those participating in the program.

(10) An approved physician health program or substance use disorder monitoring program shall provide for the DQAC a complete financial breakdown of cost for each individual dental participant by usage at an interval determined by the DQAC in the annual contract.

(11) An approved physician health program or substance use disorder monitoring program shall provide for the DQAC a complete annual audited financial statement.

(12) An approved physician health program or substance use disorder monitoring program shall enter into a written contract with the DQAC and submit monthly billing statements supported by documentation.

[Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-820, filed 10/10/95, effective 11/10/95.]

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-830 Participation in physician health programs or approved substance ((abuse)) use disorder monitoring programs. (1) In lieu of disciplinary action, the dentist may accept DQAC referral into

an approved physician health program or substance ((abuse)) use disorder monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved physician health program or substance use disorder monitoring program. This evaluation shall be performed by health care professionals with expertise in ((chemical dependency)) substance use disorders or other potentially impairing health conditions.

(b) The dentist shall enter into a contract with the approved physician health program or substance ((abuse)) use disorder monitoring program to comply with the requirements of the physician health program or substance use disorder program which shall include, but not be limited to, the following:

(i) The dentist shall agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(ii) The dentist shall submit to random drug screening as specified by the approved physician health program or substance use disorder monitoring program.

(iii) The dentist shall sign a waiver allowing the approved physician health program or substance use disorder monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(iv) The dentist shall undergo intensive ((substance abuse)) treatment of a substance use disorder or other potentially impairing health condition in an approved treatment facility.

(v) The dentist must complete the prescribed aftercare program of the approved physician health program or substance use disorder treatment facility, which may include individual ((and/or)) or group psychotherapy.

(vi) The treatment counselor(s) shall provide reports, as requested by the dentist, to the approved physician health program or substance use disorder monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The dentist shall attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The dentist shall comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved physician health program or substance use disorder monitoring program may make an exception to the foregoing comments on individual contracts.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance ((abuse)) use disorder or other potentially impairing health condition treatment, random drug screens, and therapeutic group sessions.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the dentist does not consent to be referred to the approved physician health program or substance use disorder monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the DQAC or subject to current disciplinary action, not currently being monitored by the DQAC for substance ((abuse)) use disorder or other potentially impairing health condition, may voluntarily participate in the approved physician health program or substance ((abuse)) use disorder monitoring program without being referred by the DQAC. Such voluntary partic-

ipants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance ((~~abuse~~)) use disorder or other potentially impairing health condition, and shall not have their participation made known to the DQAC if they meet the requirements of the approved physician health program or substance use disorder monitoring program:

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved physician health program or substance use disorder monitoring program. This evaluation shall be performed by health care professional(s) with expertise in ((~~chemical dependency~~)) substance use disorders or other potentially impairing health conditions.

(b) The dentist shall enter into a contract with the approved physician health program or substance ((~~abuse~~)) use disorder monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The dentist shall undergo approved substance ((~~abuse~~)) use disorder or other potentially impairing health condition treatment in an approved treatment facility.

(ii) The dentist shall agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the approved physician health program or substance use disorder treatment facility, which may include individual ((~~and/or~~)) or group psychotherapy.

(iv) The dentist must cause the treatment counselor(s) to provide reports to the approved physician health program or substance use disorder monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The dentist shall submit to random observed drug screening as specified by the approved physician health program or substance use disorder monitoring program.

(vi) The dentist shall attend dentists' support groups ((~~and/or~~)) or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with practice conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved physician health program or substance use disorder monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance ((~~abuse~~)) use disorder or other potentially impairing health condition treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

[Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-830, filed 10/10/95, effective 11/10/95.]

WSR 23-08-074
EXPEDITED RULES
WALLA WALLA
COMMUNITY COLLEGE

[Filed April 4, 2023, 12:35 p.m.]

Title of Rule and Other Identifying Information: Chapter 132T-05 WAC, Faculty qualifications.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Walla Walla Community College is repealing chapter 132T-05 WAC to align with other institutions' rule-making practices and to eliminate redundancy. The college is relocating faculty qualifications to its policy and procedures website, <https://www.wbcc.edu/policies-procedures/>, as is practiced with other institutions in Washington state.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: Not applicable.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Walla Walla Community College, public.

Name of Agency Personnel Responsible for Drafting: Alexandra K. Nelson, Executive Assistant to the Vice President of Instruction, Walla Walla Community College, 500 Tausik Way, Walla Walla, WA 99362, 509-527-4289; Implementation and Enforcement: Vice President of Instruction, Walla Walla Community College, 500 Tausik Way, Walla Walla, WA 99362, 509-527-4289.

This notice meets the following criteria to use the expedited repeal process for these rules:

Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Alexandra K. Nelson, Executive Assistant to the Vice President of Instruction, Walla Walla Community College, 500 Tausik Way, Walla Walla, WA 99362, phone 509-527-4289, email Alexandra.nelson@wbcc.edu, AND RECEIVED BY June 5, 2023.

April 4, 2023
Alexandra K. Nelson, MPA
Executive Assistant to the Vice President of Instruction

WSR 23-08-083
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket A-220921—Filed April 5, 2023, 9:44 a.m.]

Title of Rule and Other Identifying Information: This rule making would revise adoption-by-reference dates and correct ministerial errors in Title 480 WAC to incorporate the most recent version of adopted federal rules and other adopted publications and provide corrected phone numbers and reference links.

Rules affected include WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, 480-123-020, 480-123-060, 480-123-070, 480-123-110, 480-123-130, and 480-123-999.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version(s) of adopted materials and make other minor administrative updates and corrections.

Reasons Supporting Proposal: The commission adopts by reference several parts in Titles 18, 47, and 49 C.F.R. and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules and reflect the most current versions of the national safety standards.

Statutory Authority for Adoption: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: 621 Woodland Square Loop S.E., Lacey, WA 98503, governmental.

Name of Agency Personnel Responsible for Drafting: Gregory J. Kopta, Administrative Law Judge, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1355; **Implementation and Enforcement:** Amanda Maxwell, Executive Director and Secretary, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-664-1115.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Amanda Maxwell, Executive Director and Secretary, Washington Utilities and

Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, email records@utc.wa.gov, AND RECEIVED BY June 6, 2023.

April 5, 2023
Amanda Maxwell
Executive Director and Secretary

OTS-4484.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

WAC 480-14-999 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 library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on December 31, (~~2021~~) 2022, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-14-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-14-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-14-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-14-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-14-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-14-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-14-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-14-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-14-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-14-999, filed 2/15/12, effective 3/17/12. Statutory Authority: RCW 80.01.040 and 81.04.160. WSR 09-22-057 (Order R-555, Docket TV-090400), § 480-14-999, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-14-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-14-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-14-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-14-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-999, filed 9/28/01, effective 10/29/01.]

OTS-4485.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard 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, (~~2022~~) 2023.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, (~~2021~~) 2022.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-15-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-15-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-15-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-15-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-15-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-15-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-15-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-15-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-15-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-15-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-15-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-15-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-15-999,

filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-15-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-15-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-999, filed 9/28/01, effective 10/29/01.]

OTS-4486.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard 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, ((2022)) 2023.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-30-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-30-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-30-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-30-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-30-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-30-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-30-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-30-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-30-999, filed

2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-30-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-30-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-30-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

OTS-4487.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard 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, ((2022)) 2023.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-31-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-31-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-31-999, filed 7/3/19, effective 8/3/19;

WSR 18-13-106, § 480-31-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-31-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-31-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-31-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-31-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-31-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-31-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-31-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-31-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 81.04.160 and 34.05.353. WSR 06-11-013 (Docket T-051915, General Order No. R-532), § 480-31-999, filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022, § 480-31-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-31-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-999, filed 9/28/01, effective 10/29/01.]

OTS-4488.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 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 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), WAC 480-62-240 (Railroad owned or operated passenger carrying vehicles—Equipment), WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements), and WAC 480-62-293 (Contract crew transportation enforcement).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, 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 December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Railroad owned or operated passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI/ISEA Z308.1 - ((2015)) 2021 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, ((2021)) 2022.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI/ISEA Z308.1 - ((2015)) 2021 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from (~~IHS Global Engineering Documents in Englewood, Colorado~~) American National Standards Institute.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from (~~IHS Global Engineering Documents in Englewood, Colorado~~) American National Standards Institute.

(5) **North American Standard 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, ((2022)) 2023.

(b) This publication is referenced in WAC 480-62-278 (Contract crew transportation vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-62-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-62-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-62-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040, 81.04.160, and 81.61.050. WSR 18-10-001 (Docket TR-170780, General Order R-591), § 480-62-999, filed 4/18/18, effective 5/19/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-62-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-62-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-62-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-62-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-62-999, filed 2/11/13, effective 3/14/13; WSR

12-05-063 (Docket A-111722, General Order R-564), § 480-62-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-62-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-62-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

OTS-4489.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

- (1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) The commission adopts the version in effect on April 1, ((2022)) 2023.
 - (b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).
 - (c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.
- (2) **Title 40 Code of Federal Regulations**, cited as 40 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.
 - (a) The commission adopts the version in effect on December 31, ((2021)) 2022.
 - (b) This publication is referenced in WAC 480-70-041 (Definitions, general).
 - (c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.
- (3) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.
 - (a) The commission adopts the version in effect on December 31, ((2021)) 2022.
 - (b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adop-

tion of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-70-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-70-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-70-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-70-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-70-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-70-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-70-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-70-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-70-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-70-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-70-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-70-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-70-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-70-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-70-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 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. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-999, filed 3/23/01, effective 4/23/01.]

OTS-4490.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 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 C.F.R., Parts 190.221, 190.223, 195, 196, 198, and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0, 195.1, 199.1, 199.2, and 196.1 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-75-100 (Definitions), WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-250 (Civil penalty for violation of chapter 81.88 RCW), WAC 480-75-650 (Annual reports), and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers (ASME) B31.4**, 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The 2007 edition, July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2007 edition, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (20th edition 2005, including errata/addendum July 2007 and errata 2 (December 2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-75-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-75-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-75-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-75-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-75-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-75-999, filed 2/9/16, effective 3/11/16; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-75-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-75-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-75-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-75-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-75-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-75-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. WSR 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.353. WSR 06-14-052 (Docket

A-060464, General Order No. R-535), § 480-75-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-75-999, filed 10/10/05, effective 11/10/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-75-999, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 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. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-999, filed 9/28/01, effective 10/29/01.]

OTS-4491.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 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 C.F.R., including all appendices and amendments is published by the United States Government Publishing Office.

(a) The commission adopts the version in effect on April 1, ((2022)) 2023.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligations), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington, D.C., or online at <https://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(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 Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C. or at NARUC publications store online: <https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records>. It is also available for inspection at the commission branch of the state library.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-90-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-90-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-90-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-90-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-90-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-90-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-90-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-90-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-90-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-90-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-90-999, filed 1/25/11, effective 2/25/11; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-90-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-90-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-90-999, filed 10/10/05, effective 11/10/05; WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-999, filed 2/28/05, effective 3/31/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-90-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-999, filed 5/3/01, effective 6/3/01.]

OTS-4492.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 190.221, 190.223, 191, 192, 193, 196, 198, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on December 31, (~~(2021)~~) 2022, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 196.1, 198.1, 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 C.F.R. Sec. 192.801 (b) (2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), WAC 480-93-015 (Odorization of gas), WAC 480-93-018 (Records), WAC 480-93-080 (Welder and plastic joiner identification and qualification), WAC 480-93-100 (Valves), WAC 480-93-110 (Corrosion control), WAC 480-93-124 (Pipeline markers), WAC 480-93-160 (Reporting requirements of proposed construction), WAC 480-93-170 (Tests and reports for gas pipelines), WAC 480-93-180 (Plans and procedures), WAC 480-93-223 (Civil penalty for violation of chapter 81.88 RCW and commission gas safety rules), and WAC 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through July 1, 2005) are available from ASME, <https://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <https://www.api.org/>. It is also available for inspection at the commission.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-93-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-93-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-93-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-93-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-93-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-93-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-93-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-93-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-93-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-93-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-93-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-93-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-93-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. WSR 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020,

and 34.05.353. WSR 06-14-052 (Docket A-060464, General Order No. R-535), § 480-93-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. WSR 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-999, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. WSR 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-999, filed 9/28/01, effective 10/29/01.]

OTS-4493.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. 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 C.F.R., including all appendices and amendments is published by the United States Government Publishing Office.

(a) The commission adopts the version in effect on April 1, ((2022)) 2023.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligations), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington D.C., or online at <https://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(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 Utilities* is a copyrighted document. Copies are available from NARUC in Washington, D.C. or at NARUC publications store online: <https://maxxwww.naruc.org/forms/store/ProductFormPublic/regulations-to-govern-the-preservation-of-records>. It is also available for inspection at the commission branch of the state library.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective in 2017, including errata 70-17-1 published September 29, 2016, errata 70-17-2 published December 16, 2016, 70-17-3 published January 11, 2017, 70-17-4

published March 13, 2017, errata 70-21-1 published October 10, 2019, errata 70-20-2 published December 23, 2019, and errata 70-20-3 published March 10, 2020.

(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 at 1 Batterymarch Park, Quincy, Massachusetts 02169, or at internet address <https://www.nfpa.org/>.

(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 2016.

(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. ANSI C12.1 - 2016 is available at American National Standards Institute website <https://webstore.ansi.org/> (PDF) or at IHS Standards Store website <https://global.ihs.com/> (PDF and print).

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-100-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-100-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-100-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-100-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-100-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-100-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-100-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-100-999, filed 2/5/14, effective 3/8/14; WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-100-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-100-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-100-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-100-999, filed 1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-100-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-100-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-100-999, filed 10/10/05, effective 11/10/05; WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-999, filed 2/28/05, effective 3/31/05; WSR 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-100-999, filed 12/22/03, effective 1/22/04; WSR 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. WSR 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-999, filed 5/3/01, effective 6/3/01.]

OTS-4494.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

WAC 480-108-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective ((2020)) 2023, including errata ((70-20-1)) 70-23-1 published ((October 10, 2019,)) September 1, 2022, and errata ((70-20-2)) 70-23-2 published ((December 23, 2019, errata 70-20-3 published March 10, 2020, errata 70-20-04 published August 24, 2021, and errata on NEC Handbook published February 6, 2020)) September 15, 2022.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <https://www.nfpa.org/>.

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the ((2017)) 2023 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronics Engineers at <https://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547-2018, Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces.

(a) The commission adopts the version published April 6, 2018.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(4) Institute of Electrical and Electronics Engineers (IEEE) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published January 31, 2006, and reaffirmed in 2011.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, ((Recommended Practices and Requirements)) Standard for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published ((June 11, 2014)) May 8, 2022.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published April 29, 1994, and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <https://www.ieee.org>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published (~~January 28, 2010~~) September 28, 2021.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) UL Standard 1741 is available from Underwriters Laboratory at <https://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

(a) The commission adopts the version published on February 18, 2020, effective February 18, 2020.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-108-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-108-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-108-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-108-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-108-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-108-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-108-999, filed 3/2/15, effective 4/2/15; WSR 14-05-001 (Docket A-131761, General Order R-574), § 480-108-999, filed 2/5/14, effective 3/8/14. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 13-15-089 (Docket UE-112133, General Order R-571), § 480-108-999, filed 7/18/13, effective 8/18/13. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-108-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-108-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-108-999, filed 1/25/11, effective 2/25/11; WSR 10-03-044 (Docket A-091124, General Order R-557), § 480-108-999, filed

1/14/10, effective 2/14/10; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-108-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 07-20-059 (Docket UE-060649, General Order 545), § 480-108-999, filed 9/27/07, effective 10/28/07; WSR 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-999, filed 3/6/06, effective 4/6/06.]

OTS-4495.1

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

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 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 for Rates Up To and Including DS3 - Specifications*" (ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2013.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (~~((ANSI/))~~ IEEE Std 820-2005) is published by ~~((the ANSI and))~~ the IEEE.

(a) The commission adopts the version in effect as published in 2005, and reaffirmed in 2010.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the ~~((2017))~~ 2023 edition.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on December 31, 2021.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC, the commission adopts the version of the relevant sections in effect on December 31, ((2021)) 2022.

(c) The ((2021)) 2022 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-120-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-120-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-120-999, filed 7/3/19, effective 8/3/19; WSR 18-13-106, § 480-120-999, filed 6/19/18, effective 7/20/18. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-120-999, filed 7/13/17, effective 8/13/17. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-120-999, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-120-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-120-999, filed 2/15/12, effective 3/17/12; WSR 11-04-041 (Docket A-101466, General Order R-562), § 480-120-999, filed 1/25/11, effective 2/25/11. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 10-07-094 (Docket A-091124, General Order R-558), § 480-120-999, filed 3/19/10, effective 4/19/10. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-120-999, filed 12/23/08, effective 1/23/09; WSR 06-17-087 (Docket A-060475, General Order No. R-537), § 480-120-999, filed 8/14/06, effective 9/14/06; WSR 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-120-999, filed 10/10/05, effective 11/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-999, filed 1/10/05, effective 2/10/05; WSR 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-999, filed 12/12/02, effective 7/1/03.]

OTS-4496.1

AMENDATORY SECTION (Amending WSR 20-12-021, filed 5/27/20, effective 6/27/20)

WAC 480-123-020 Definitions. As used in this chapter:

"Applicant" means any person applying to an eligible telecommunications carrier for new service or reconnection of discontinued service.

"Broadband service" means any service providing advanced telecommunications capability, including internet access and access to high quality voice, data, graphics or video. To be considered advanced telecommunications, broadband must be at, or above, a minimum download speed and a minimum upload speed. The commission will establish a min-

imum upload speed standard and a minimum download speed standard for broadband service to be considered advanced telecommunications. The commission will take federal and state standards into consideration when it sets the standard. Any broadband standards that are established in these rules or by commission order may be met by the communications provider or its affiliate or a combination of both. The affiliate cannot be receiving support from this program.

"Communications provider" or "provider" means a company providing communications service that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

"Communications services" includes telecommunications services and information services and any combination of these services.

"Eligible telecommunications carrier" and "ETC" means a carrier designated by the commission as eligible to receive support from federal universal service mechanisms in exchange for providing services supported by federal universal service mechanisms.

"Facilities" means for the purpose of WAC 480-123-030 (1)(b) any physical components of the telecommunications network that are used in the transmission or routing of the services that are supported by federal universal service mechanisms.

".shp format" means the format used for creating and storing digital maps composed of shape files capable of being opened by the computer application ArcGIS™.

"Program" means the state universal communications services program created in RCW 80.36.650.

"Service area" means all of the designated exchanges served by a company in the state.

"Service outage" means a significant degradation in the ability of an end user to establish and maintain a channel of voice communications as a result of failure or degradation in the performance of a communications provider's network.

"Substantive" means sufficiently detailed and technically specific to permit the commission to evaluate whether federal universal service support has had, or will have, benefits for customers. For example, information about investments and expenses that will provide, increase, or maintain service quality, signal coverage, or network capacity, and information about the number of customers that benefit, and how they will benefit is sufficient to enable evaluation.

~~("Sworn statement" means a statement made under penalty of perjury, as set forth in RCW 9A.72.085.)~~

"Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

"Unsworn statement" means a statement made under penalty of perjury, as set forth in RCW 5.50.050.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-020, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-020, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-020, filed 5/22/14, effective 6/22/14. Statutory Authority: RCW 80.01.040,

80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-020, filed 6/28/06, effective 7/29/06.]

AMENDATORY SECTION (Amending WSR 20-12-021, filed 5/27/20, effective 6/27/20)

WAC 480-123-030 Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain:

- (a) A description of the area or areas for which designation is sought;
 - (b) A statement that the carrier will offer the services supported by federal universal service support mechanisms throughout the area for which it seeks designation, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC);
 - (c) A description of how it will provide each supported service;
 - (d) A substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers;
 - (e) A statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts;
 - (f) For wireless petitioners, a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals;
 - (g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable or other backup power source) for its cell sites, and backup power for its switches as prescribed in WAC 480-120-411(3) for LEC central offices; and cell sites do not include any small cell facility as defined in RCW 80.36.375 (2)(d) or any in building wireless installation; and
 - (h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.
- (2) A company officer must submit the petition in the manner required by RCW (~~(9A.72.085)~~) 5.50.050.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-030, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-030, filed 3/26/15, effective

tive 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-030, filed 6/28/06, effective 7/29/06.]

AMENDATORY SECTION (Amending WSR 15-08-043, filed 3/26/15, effective 4/26/15)

WAC 480-123-060 Annual certification of eligible telecommunications carriers. (1) Each ETC seeking certification of the ETC's use of federal high-cost funds pursuant to 47 C.F.R. Sec. 54.314 must request certification by July 1st each year. The ETC must certify that all federal high-cost support provided to the ETC within Washington state was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The certification must be submitted by a company officer in the manner required by RCW ((9A.72.085)) 5.50.050.

(2) The commission will certify an ETC's use of federal high-cost universal service fund support, pursuant to 47 C.F.R. Sec. 54.314 only if the ETC complies with the requirements in WAC 480-123-070, and the ETC demonstrates that it will use federal high-cost funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended through the requirements of WAC 480-123-080.

[Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-060, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-060, filed 6/28/06, effective 7/29/06.]

AMENDATORY SECTION (Amending WSR 20-12-021, filed 5/27/20, effective 6/27/20)

WAC 480-123-070 Annual certifications and reports. Not later than July 1st of each year, every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in this section. The certifications and reports are for activity related to Washington state in the period January 1st through December 31st of the previous year. A company officer must submit the certifications in the manner required by RCW ((9A.72.085)) 5.50.050.

(1) **Report on use of federal funds and benefits to customers.**

(a) The report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund.

The report must include the company's gross capital expenditures and operating expenses made with federal high-cost support received by the ETC in the preceding calendar year along with a description of major projects and affected exchanges. A rate of return wireline ETC must also include a copy of its NECA-1 report for the preceding calendar year.

(b) Every ETC must provide a substantive description of the benefits to consumers that resulted from the investments and expenses reported pursuant to (a) of this subsection.

(2) **Local service outage report.**

(a) The report must include detailed information on any outage in the service area (during the prior calendar year) of at least (~~thirty~~) 30 minutes in duration in which the ETC owns, operates, leases, or otherwise utilizes facilities, that potentially affect:

(i) At least (~~ten~~) 10 percent of the end users; or

(ii) A 911 special facility, as defined in 47 C.F.R. Sec. 4.5(e).

(b) Specifically, the ETC's annual report must include information detailing:

(i) The date and time of onset and duration of the outage;

(ii) A brief description of the outage and its resolution;

(iii) The particular services affected;

(iv) The geographic areas affected by the outage;

(v) Steps taken to prevent a similar situation in the future; and

(vi) The number of customers affected.

(3) **Report on failure to provide service.** The report must include the number of requests for service from potential customers within its designated service area that were unfulfilled during the prior calendar year. The ETC must also detail how it attempted to provide service to those potential customers.

(4) **Report on complaints per (~~one thousand~~) 1,000 connections (fixed or mobile).** The report must provide separate totals for the number of complaints that the ETC's customers made to the Federal Communications Commission and the consumer protection division of the office of the attorney general of Washington. The ETC must also report the number of consumer complaints in each general category (for example, billing disputes, service quality).

(5) **Certification of compliance with applicable service quality standards and consumer protection rules.** Certify that it met substantially the applicable service quality standards and consumer protection rules found in WAC 480-123-030 (1)(h).

(6) **Certification of ability to function in emergency situations.** Certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g).

(7) **Advertising certification, including advertisement on Indian reservations.** Certify it has publicized the availability of its applicable telephone assistance programs, such as Lifeline, in a manner reasonably designed to reach those likely to qualify for service, including residents of federally recognized Indian reservations within the ETC's designated service area. Such publicity should include advertisements likely to reach those who are not current customers of the ETC within its designated service area.

(8) **Report filing alternatives.** To the extent the company has filed a report with a federal agency that provides the data requested by the commission, the company can refer to that docket number and the date the information was filed with the federal agency.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-070, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-070, filed 3/26/15, effec-

tive 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-070, filed 6/28/06, effective 7/29/06.]

AMENDATORY SECTION (Amending WSR 20-12-021, filed 5/27/20, effective 6/27/20)

WAC 480-123-110 Petitions for eligibility to receive program support. (1) **Wireline communications providers.** A wireline communications provider that satisfies the prerequisites in WAC 480-123-100 may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the following information:

(a) The name of the legal entity that provides communications services and is seeking program support;

(b) A corporate organization chart showing the relationship between the legal entity identified in (a) of this subsection and all affiliates as defined in RCW 80.16.010 and a detailed description of any transactions between the provider and those affiliates recorded in the provider's operating accounts;

(c) A service area map or detailed reference to any maps on file with the commission showing the provider's Washington service area;

(d) The provider's broadband plan to provide, maintain, or enhance broadband services in its service area should include the following elements, to the extent applicable to the broadband plan:

(i) Multiyear investment plan;

(ii) Specific project(s) that are projected to provide or enhance broadband services at speeds required by the commission or the Federal Communications Commission. Project information will include an estimated timeline, geographic location, number of locations passed, and upload and download speeds;

(iii) A plan for maintenance of broadband services in the provider's service area;

(iv) A description for how the provider will enhance broadband services in its service area; and

(v) Any supporting information that the commission requests to assist its review and analysis of the provider's broadband plan.

(e) For a provider that is seeking support under (j)(i) of this subsection, detailed financial information and supporting documentation in a form prescribed by the commission for the provider's total Washington regulated operations for the two calendar years prior to the year in which the provider is filing the petition including, but not limited to, the following:

(i) The provider's balance sheet and statements of income and retained earnings or margin from, or in the same format and detail required in, Rural Utilities Service (RUS) Form 479;

(ii) The provider's consolidated audited financial statements; if the provider does not have consolidated audited financial statements prepared in the normal course of its business, the provider must submit financial statements reviewed by a certified public accountant;

(iii) Information demonstrating the provider's earned rate of return on a total Washington unseparated regulated operations basis for each of the two prior years;

(iv) Information demonstrating the provider's earned return on equity on a total company (regulated and nonregulated) Washington basis for each of the two prior years;

(v) Information detailing all of the provider's revenues from the statements of income and retained earnings or margin section of RUS Form 479 for the two prior years; if the provider does not submit RUS Form 479, the provider must file with the commission the same revenue information specified in this subsection that is required to complete the applicable portion of that form;

(vi) Information summarizing the amounts of any corporate operations adjustments to existing high-cost loop and interstate common line support mechanisms the Federal Communications Commission required of the provider for the two prior years or a sworn statement by a company officer certifying that no such adjustments apply to the provider; and

(vii) Any additional supporting information the commission requests to enable it to analyze the provider's financial results for program purposes.

(f) (~~(A-sworn)~~) An unsworn statement by a company officer certifying that the company complies with state and federal accounting, cost allocation, and cost adjustment rules pertaining to incumbent local exchange carriers;

(g) Information detailing the number of residential and business local exchange access lines and broadband connections the provider or its affiliate served as of December 31st for each of the prior two years, and the unbundled monthly basic rate(s) or charge(s) applicable to each customer class;

(h) (~~(A-sworn)~~) An unsworn statement by a company officer certifying that if the provider receives program support it will continue to provide communications services throughout its service territory in Washington for which it is seeking and receives program support and the provider, or its affiliate if appropriate, will continue to provide broadband services during the entirety of the year in which the provider is applying for support from the program;

(i) (~~(A-sworn)~~) An unsworn statement by a company officer certifying that the provider is in compliance with the Federal Communications Commission's obligations for deployment of broadband at speeds specified by the Federal Communications Commission that apply to the provider; and

(j) Satisfaction of at least one of the following eligibility criteria:

(i) Eligibility criterion one: (~~(A-sworn)~~) An unsworn statement by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements. Additionally, a provider that elects to petition the program for support under this category is subject to review of its rate of return and financial reporting requirements as described in (e) of this subsection.

(ii) Eligibility criterion two: (~~(A-sworn)~~) An unsworn statement by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements.

(iii) Eligibility criterion three: (~~(A-sworn)~~) An unsworn statement by a company officer certifying that the provider has already met the Federal Communications Commission's total deployment obligations

associated with federal high-cost program support as of the date of the petition and that since January 1, 2018, the provider has deployed broadband to the number of locations the commission has determined by order. If a company has deployed broadband to a number of locations less than the number required by commission order, the company certifies that it will deploy broadband to the remaining number of locations.

(iv) Eligibility criterion four: (~~(A-sworn)~~) An unsworn statement by a company officer certifying that broadband service is available to (~~(one hundred)~~) 100 percent of locations within the provider's service area, and commits to making broadband service available to any new locations.

(2) **Wireless communications providers.** A wireless communications provider that meets the requirements in WAC 480-123-100 may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the same type of information for the same periods required of wireline communications providers in subsection (1) of this section. The first time a wireless communications provider seeks to file such a petition, the provider must first submit its request to the advisory board, pursuant to any guidelines the advisory board will adopt, detailing how the provider will compile and supply the information required by this rule. The advisory board will make a recommendation to the commission, and the commission will determine the precise information the provider must file in support of its petition.

(3) **Other communications providers.** A communications provider other than a provider specified in subsection (1) or (2) of this section that meets the requirements of RCW 80.36.650 (3)(b) and WAC 480-123-100(3) may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the same type of information for the same periods required of communications providers in subsection (1) of this section. The first time a communications provider seeks to file such a petition under this section, the provider must first submit its request to the advisory board, pursuant to any guidelines the advisory board will adopt, detailing how the provider will compile and supply the information required by this rule. The advisory board will make a recommendation to the commission, and the commission will determine the information the provider must file in support of its petition.

(4) **Information already on file with the commission.** To the extent that the provider has filed with the commission any of the information required under this rule, the provider need not include that same information in its petition so long as the provider identifies the docket number, documents, and location within those documents in which the provider included that information.

(5) **Timing of petitions.** A provider must file a complete petition that fully complies with this section no later than August 2nd if the company seeks support from the program for the following calendar year.

(6) **Certification.** One or more company officers responsible for the provider's business and financial operations must certify in the form of a sworn statement that the information and representations made in the petition are accurate and that the provider has not knowingly withheld any information required to be provided to the commis-

sion pursuant to the rules governing the program. The provider must file this certification with its petition.

(7) Affiliated companies may submit a combined petition for support.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-110, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-110, filed 10/7/14 and 5/22/14, effective 6/22/14.]

AMENDATORY SECTION (Amending WSR 20-12-021, filed 5/27/20, effective 6/27/20)

WAC 480-123-130 Reporting requirements. (1) Wireline communications provider reports. A wireline communications provider that receives program support must submit the following information and reports to the commission on or before July 1st of the year following each calendar year in which the provider receives that support unless a different date is specified below:

(a) The number of residential and business access lines and broadband connections served within the state of Washington for which the provider used program support during the preceding calendar year in the provision of basic telecommunications and broadband service (broken down to reflect beginning and end of year quantities);

(b) Detailed information on how the provider used program support during the preceding year to maintain, provide, or enhance telecommunications services;

(c) Detailed information on how the provider used program support during the preceding year to meet the provider's broadband buildout requirement. Information must include location information in the same format that broadband specific location data is filed with the Federal Communications Commission or the Universal Service Administrative Company. If the data format or reporting data fields change, the providers and commission staff will work together to revise the requirements and format;

(d) A list with detailed information of all consumer requests for new basic telecommunications service in the area for which the provider received program support during the preceding year that the provider denied or did not fulfill for any reason;

(e) (~~(A-sworn)~~) An unsworn statement from a company officer of the provider certifying that, during the preceding year, the provider materially complied with all commission rules in chapter 480-120 WAC that are applicable to the provider and its provision of service within the area for which the provider received program support;

(f) (~~(A-sworn)~~) An unsworn statement by a company officer certifying that during the preceding year, the provider met the requirements of WAC 480-123-120(5);

(g) Broadband availability data as required by the commission;

(h) A report on operational efficiencies and business plan modifications for the area for which the provider receives program support during the preceding year that the provider has undertaken to transi-

tion or expand from primary provision of legacy voice telephone service to broadband service or otherwise reduce its reliance on support from the program, and whether and how disbursements from the program were used to accomplish such outcomes;

(i) The provider's Form 477 Subscription Data at the census tract level on a Washington state basis that provides data in the same format and within ((fourteen)) 14 calendar days of the dates the data is provided to the Federal Communications Commission;

(j) Detailed information on any other efforts the provider made to use program support to advance universal service and the public interest in Washington; and

(k) Any other information or reports the commission requires including, but not limited to, information the commission needs to provide a report to the legislature concerning the program.

(2) **Wireless communications provider reports.** The advisory board will make a recommendation to the commission on the information and reports that any wireless communications provider that receives support from the program should provide, and the commission will determine the information and reports the provider must provide consistent with RCW 80.36.650 and commission rules.

(3) **Other communications provider reports.** The advisory board will make a recommendation to the commission on the information and reports that any communications provider other than a provider specified in subsections (1) and (2) of this section that receives support from the program should provide, and the commission will determine the information and reports the provider must provide consistent with RCW 80.36.650 and commission rules.

(4) **Information already on file with the commission.** To the extent that the provider has filed with the commission any of the information required under this rule in conjunction with its application for certification as an ETC, the provider need not include that same information in its report so long as the provider identifies the docket number, documents, and location within those documents in which the provider included that information.

(5) **Comments from stakeholders.** Interested persons may submit information or comments on any of the issues on which the providers must report under this rule. Persons must submit such information or comments by July 1st of the year following each calendar year in which the commission distributes program support.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-130, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-130, filed 5/22/14, effective 6/22/14.]

AMENDATORY SECTION (Amending WSR 22-15-104, filed 7/19/22, effective 8/19/22)

WAC 480-123-999 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 Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(a) The commission adopts the version in effect on March 1, ((2022)) 2023.

(b) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(c) Copies of the CTIA Consumer Code for Wireless Service are available at <https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service>.

(2) Title 47, Code of Federal Regulations, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, ((2021)) 2022.

(b) This publication is referenced in WAC 480-123-010 (Federal universal service contracts), WAC 480-123-060 (Annual certification of eligible telecommunications carriers), WAC 480-123-070 (Annual certifications and reports), WAC 480-123-100 (Prerequisites for requesting program support), and WAC 480-123-110 (Petitions for eligibility to receive program support).

(c) The ((2021)) 2022 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <https://bookstore.gpo.gov/>, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 22-15-104, § 480-123-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-123-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-123-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-123-999, filed 7/13/17, effective 8/13/17. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-999, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-123-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-123-999, filed 2/15/12, effective 3/17/12; WSR 09-01-171 (Docket A-081419, General Order R-554), § 480-123-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-999, filed 6/28/06, effective 7/29/06.]