

to a particular course of action. At the same time, the EIS process should not be undertaken until a proposal is sufficiently definite to allow meaningful environmental analysis.

(2) The threshold determination or any required EIS for the board's action of a nonproject nature shall be completed prior to official adoption of the action in question.

(3) The threshold determination or any required EIS for board action of a project nature shall in all cases be completed prior to the determination to construct the project in question. While the board may tentatively affirm the choice of a particular location or design based upon completion of the draft EIS, final determination to construct shall not occur until a final threshold determination has been made or a final EIS has been prepared. [Order 405, § 479-24-030, filed 7/16/76.]

WAC 479-24-040 Procedures when consulted. (1) When requests by another agency for consultation are made pursuant to provisions of WAC 197-10-500 through 197-10-540, such requests shall be referred for response to the executive secretary of the board. The executive secretary shall obtain such information which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time period specified by WAC 197-10-545.

(2) When a request for consultation is made by a local agency preparatory to a request for funding by the urban arterial board of a construction project, the chairman of the urban arterial board shall investigate the likelihood of funding of the proposed construction project by the board and shall transmit such information to the local agency. Such transmittal shall be deemed total compliance with WAC 197-10-510. [Order 405, § 479-24-040, filed 7/16/76.]

WAC 479-24-050 Designation of responsible official. The responsible official shall be the chairman of the urban arterial board or his designee. [Order 405, § 479-24-050, filed 7/16/76.]

WAC 479-24-060 Designation of SEPA public information center. The SEPA public information center for the board shall be located in the office of the environmental planner, Room SA10, Highway Administration Building, Olympia, Washington 98504. In order that the public may be informed of the location of the SEPA public information center, its location shall be indicated upon all declarations of nonsignificance and draft and final EIS's prepared under SEPA by the board. [Order 405, § 479-24-060, filed 7/16/76.]

WAC 479-24-070 Designation of lead agency. Pursuant to WAC 197-10-203 and 197-10-205, the local agency proposing a particular project for funding shall be designated the lead agency. [Order 405, § 479-24-070, filed 7/16/76.]

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters

- 480-04 Public access to information and records.
- 480-08 Procedure.
- 480-12 Motor carriers.
- 480-30 Auto transportation companies.
- 480-62 Railroad companies—Operations.
- 480-80 Utilities general—Tariffs.
- 480-90 Gas companies—Operations.
- 480-120 Telephone companies.
- 480-130 Storage warehouse companies.
- 480-146 Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities.
- 480-149 Tariff Circular No. 6.

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

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

UNIFORM SYSTEM OF ACCOUNTS:

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

REGULATIONS GOVERNING PRESERVATION OF RECORDS:

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

ANNUAL REPORT FORMS:

- Motor Freight Carriers
 - Class I
 - Class II
 - Class III
 - Class IV
 - Quarterly Form
- Auto Transportation Companies (Busses):
 - Class I
 - Class II
 - Class III
 - Class IV
 - Quarterly Form
- Intracity Auto Transportation Companies (Busses):
 - Class I
 - Class II
 - Class III
- Passenger Charter Carriers (Busses):
 - Quarterly Form
- Railroads:
 - Class I
 - Class II
- Garbage & Refuse Collection Companies:
 - Class A
 - Class B
- Electric Railroads
- Express Company
- Pipe Line Companies
- Storage Warehouse
- Dock Companies
- Certificated Boat (Passenger)
- Non-Certificated Boat (Freight)
- Electric Utilities:
 - Classes A & B
 - Class C
 - Class D
- Water Utilities:
 - Classes A, B and C
 - Class D
- Telephone Utilities:
 - Classes A & B
- Gas Utilities:
 - Classes A & B
 - Classes C & D
- Telegraph Utilities:
 - Wire-Telegraph Carriers
- Miscellaneous Common Carriers:
 - Licensee in Domestic Public Land Mobile Radio Service

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

WAC	Purpose.
480-04-010	Purpose.
480-04-020	Definitions.
480-04-030	Description of central and field organization of Washington Utilities and Transportation Commission.
480-04-040	Public information available.
480-04-050	Public submittals or requests other than requests for public documents.
480-04-060	Public records available.
480-04-070	Public records officer.
480-04-080	Office hours.
480-04-090	Requests for public records.
480-04-100	Copying costs.
480-04-110	Exemptions.
480-04-120	Review of denials of public records requests.
480-04-130	Protection of public records.

WAC 480-04-010 Purpose. The purpose of this chapter shall be to ensure compliance by the

Washington Utilities and Transportation Commission with the provisions of chapter 1, Laws of 1973 (Initiative 276), DISCLOSURE—CAMPAIGN—FINANCES—LOBBYING—RECORDS; AND IN PARTICULAR WITH SECTIONS 25 THROUGH 32 OF THAT ACT, DEALING WITH PUBLIC RECORDS. [Order R-43, § 480-04-010, filed 4/5/73.]

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

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

(3) Washington Utilities and Transportation Commission. The Washington Utilities and Transportation Commission is the Commission appointed by the governor pursuant to RCW 80.01.010. The Washington Utilities and Transportation Commission shall hereinafter be referred to as the "Commission".

Where appropriate, the term "Commission" also refers to the staff and employees of the Washington Utilities and Transportation Commission. [Order R-43, § 480-04-020, filed 4/5/73.]

WAC 480-04-030 Description of central and field organization of Washington Utilities and Transportation Commission. (1) Washington Utilities and Transportation Commission. The Washington Utilities and Transportation Commission is a regulatory agency. The administrative offices of the Washington Utilities and Transportation Commission and its staff are located at the Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.

(a) The Commission is limited by RCW 80.01.010 to three (3) members, of whom one (1) member is designated as chairman.

(b) The office of Administrative Manager and Secretary and the Executive Officer are responsible directly to the Commission. All departmental divisions and sections normally respond to the Commission through the office of Administrative Manager and Secretary. As required on occasion, the following departments may respond directly to the Commission: The Hearing Examiners, the Accounting Section, the Administrator of the Utilities Division, and the Administrator of the Transportation Division.

(c) Pursuant to RCW 80.01.100, the Attorney General Division is assigned to the Commission to represent the people of the State of Washington and the Commission in all actions or proceedings involving any question

under Titles 80 and 81 RCW or in reference to any act or order of the Commission.

(d) Sections and individuals responsible directly to the Administrative Manager and Secretary are: The Personnel Officer, the Controller, the Data Research and Planning Section, and the Machine Operations Section.

(e) Sections responsible directly to the Utilities Administrator are: The Utilities Tariff Section, the Utilities Finance Section, and the Utilities Engineering Section.

(f) Sections responsible directly to the Administrator of Transportation are: The Transportation Permit and Insurance Section, the Transportation Tariff Section, the Transportation Research Section, the Railroad Section, and the Transportation Enforcement or Field Section.

(2) Field organization.

(a) The Field Section is composed of six (6) districts, each of which is in the charge of a supervisor.

Office	Address	Office Hours
(i) Seattle District No. 1	1231 Andover Park East, Tukwila WA 98188	Mon. thru Fri. 8-5
(ii) Vancouver District No. 1	510 Esther St.#8 P.O. Box 1119 Vancouver, WA 98660	Mon. Thru Fri. 8-5
(iii) Yakima District No. 2	1 North Ninth St. Yakima, WA 98901	Mon. thru Fri. 8-5
(iv) Spokane District No. 4	So. 110 Sheridan St. Spokane, WA 99202	Mon. thru Fri. 8-5
(v) Olympia District No. 5	Restover Truck Stop Lathrop Road P.O. Box 413 Olympia, WA 98507	Mon. thru Fri. 8-5
(vi) Pasco District No. 6	1600 North Chase Pasco, WA 99301	Mon. thru Fri. 8-5

(b) The various special investigators, investigators and truck inspectors (at ports of entry) in each district are responsible to the district supervisor.

(c) Each district maintains a district office and one or more field offices; the addresses and office hours of the various field offices are available at the district offices and the administrative offices of the Commission during customary office hours. [Order R-43, § 480-04-030, filed 4/5/73.]

WAC 480-04-040 Public information available. (1) Utilities.

(a) Information concerning utilities subject to the jurisdiction of the Commission will be available at the Commission Administrative Offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington, from the Utilities Administrator.

(b) The method for obtaining such information is: Members of the public should request information by stating the request in writing, giving the name of the person seeking the information, and the calendar date and time of day, and presenting the request to the Utilities Administrator or his designee during customary office hours.

(2) Transportation.

(a) Information concerning transportation matters subject to the jurisdiction of the Commission will be available at the Commission Administrative Offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington, from the office of the Administrator of Transportation.

(b) In addition to the source cited in (a), *supra*, information concerning the current operating authority of common or contract carriers of garbage or motor freight, and the current Commission-published tariffs of common carriers of motor freight, may be obtained by requesting the same in writing of the supervisors of the six (6) district offices listed in WAC 480-04-030(2)(a), (i) through (vi), during the office hours listed therein.

(c) In addition to the sources cited in (a) and (b), *supra*, information concerning the current operating authority of common or contract carriers of garbage or motor freight, and the current Commission-published tariffs of common carriers of motor freight may be obtained by the method of requesting the same in writing of the Commission field agents at the local field offices whose addresses and office hours are available as specified in WAC 480-04-030(2)(c) and allowing no fewer than five (5) business days for the information to be gathered, following which at the next regular office hours of the local office the information will be available to the requesting party.

(3) Other information.

(a) Information other than that described in (1) and (2), *supra*, which is in the possession of the Commission and subject to disclosure, will be available at the Commission Administrative Offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington, from the Administrative Manager and Secretary.

(b) The method for obtaining such information is: Members of the public should request information by stating the request in writing, giving the name of the person seeking the information, the calendar date and time of day, and presenting the request to the Administrative Manager during customary office hours. [Order R-43, § 480-04-040, filed 4/5/73.]

WAC 480-04-050 Public submittals or requests other than requests for public documents. Members of the public may make submittals or requests other than requests for public documents to the Commission through the office of the Administrative Manager and Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington. [Order R-43, § 480-04-050, filed 4/5/73.]

WAC 480-04-060 Public records available. (1) Inspection. All public records of the Commission, as defined in WAC 480-04-020(1) are deemed to be available for public inspection by any person, irrespective of whether such documents are located at the administrative offices or at the district or field offices of the Commission, pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 480-04-110.

(2) Copying. All public records of the Commission, as defined in WAC 480-04-020(1) are deemed to be available for copying pursuant to these rules and except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 480-04-110 only at the Administrative Offices of the Commission, Seventh Floor, Highways-Licenses Building, Olympia, Washington, inasmuch as duplicates of all documents located at district and field offices will be available at the administrative offices, and it is deemed and hereby held that use by the public of extremely limited copying facilities at district and field offices will be unreasonably disruptive of the Commission's business. [Order R-43, § 480-04-060, filed 4/5/73.]

WAC 480-04-070 Public records officer. The Commission's public records shall be in charge of the public records officer designated by the Commission. The Commission shall designate an alternate officer to act in the absence of the public records officer. The persons so designated shall be located in the Administrative Offices of the Commission, Seventh Floor, Highways-Licenses Building, Olympia, Washington. The public records officer shall be responsible for the following: The implementation of the Commission's rules and regulations regarding release of public records, coordinating the staff of the Commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order R-43, § 480-04-070, filed 4/5/73.]

WAC 480-04-080 Office hours. (1) Administrative offices. For the purposes of this chapter, the customary office hours of the administrative offices of the Commission shall be the hours listed in WAC 480-08-020.

(2) District offices. For the purposes of this chapter, the customary office hours of the various district offices of the Commission shall be hours listed for the offices in WAC 480-04-030(2)(a), (i) through (vi), inclusive.

(3) Field offices. For the purposes of this chapter, inasmuch as the Commission field offices are intended to be nonpermanent, part-time facilities, the office hours of these offices will be available to any person on request at the administrative offices of the Commission, and at the respective district offices. [Order R-43, § 480-04-080, filed 4/5/73.]

WAC 480-04-090 Requests for public records. In accordance with the requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) Requests for inspection of documents available at district and field offices. A request to inspect documents which are available at district or field offices of the Commission shall be made in writing upon a form prescribed by the Commission for this purpose, which shall

be available at the district offices listed in WAC 480-04-030(2)(a), (i) through (vi), inclusive, as well as the Commission Administrative Offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington. The form shall be presented to the district supervisor at the district office, or to the Commission field agent at the local offices, during the customary office hours as defined in WAC 480-04-080(2), and WAC 480-04-080(3).

(2) Other requests. Other requests involving public documents, including requests for copies of public documents, shall be made in writing upon a form prescribed by the Commission which shall be available at the administrative offices of the Commission. The form shall be presented to the public records officer; or to the acting public records officer if the public records officer is not available, at the administrative offices of the Commission during customary office hours, as defined in WAC 480-04-080(1).

(3) Request under (1) or (2), *supra*, shall include the following information:

(a) the name of the person requesting the record;

(b) the time of day and calendar date on which the request is made;

(c) the nature of the request;

(d) if the matter requested is referenced within a current index which may be maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) if the requested matter is not identifiable by reference to a Commission current index, an appropriate description of the record requested.

(4) In all cases in which a member of the public makes a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order R-43, § 480-04-090, filed 4/5/73.]

WAC 480-04-100 Copying costs. No fee shall be charged for the inspection of public records. The commission shall charge a fee of eight cents per page of copy, subject to a minimum charge of two dollars for twenty-five or fewer pages, on each occasion on which copies are requested. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying. [Statutory Authority: RCW 42.17.300. 78-02-020 (Order R-112), § 480-04-100, filed 1/11/78; Order R-43, § 480-04-100, filed 4/5/73.]

WAC 480-04-110 Exemptions. (1) The Commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 480-04-090 is exempt from disclosure under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the Commission reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason

to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletions in writing.

(3) Only the public records officer of the Commission, or in the absence of the public records officer, the acting public records officer is authorized to deny requests for public records under these rules. Any actions other than the granting of access to public records upon request, when taken by persons other than the public records officer, or acting public records officer, will be deemed deferrals of action, and not denials of requests. Any Commission staff member or field section member who does not grant access to a public document upon written request by a member of the public, must immediately remit the requested document or documents together with the written request therefor, to the public records officer for decision granting or denying the request. All denials of requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order R-43, § 480-04-110, filed 4/5/73.]

WAC 480-04-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or acting public records officer which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the chairman of the Commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the Commission as soon as legally possible to review the denial. In any case, the request shall be returned with his final decision, within two (2) business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order R-43, § 480-04-120, filed 4/5/73.]

WAC 480-04-130 Protection of public records. In order to implement the provisions of section 29, chapter 1, Laws of 1973, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules are adopted:

(1) Copying of public documents shall be done by Commission personnel only, upon the request of members of the public under the procedures set down in these rules.

(2) No Commission document shall be physically removed by a member of the public from the area designated by the Commission for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the Commission shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973 is contained therein, and the Commission shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed. [Order R-43, § 480-04-130, filed 4/5/73.]

Chapter 480-08 WAC PROCEDURE

WAC

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480-08-030	Parties.
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480-08-055	Objections to closures of highway—railroad grade crossings.
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480-08-270	Joint hearings.
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480-08-300	Compliance with orders.
480-08-310	Computation of time.
480-08-320	Suspension of tariffs.
480-08-330	General application—Special rules—Exceptions—Cancellation of former rules.

WAC 480-08-010 Communications. (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, Seventh Floor, Highway—Licenses Building, Olympia, Washington 98504, and not to individual members of the Commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the Secretary.

(2) One subject in a letter. Letters to the Washington Utilities and Transportation Commission (hereinafter

referred to as the "Commission") should embrace but one subject.

(3) Identification. Every holder of a permit, license or certificate from the Commission, in addressing communications to the Commission, should use the name shown upon such permit, license or certificate and give the number thereof.

(4) Remittances. Remittances to the Commission shall be by money order, bank draft or check payable to the Washington Utilities and Transportation Commission. Remittances in currency or coin are wholly at the risk of the remitter and the Commission assumes no responsibility for loss thereof. Postage stamps should not be remitted except when remitter is so directed. [Order R-43, § 480-08-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-010, filed 6/9/69, effective 10/9/69.]

WAC 480-08-020 Office hours. (1) General. Offices of the Commission are open on each business day between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. [Order R-5, § 480-08-020, filed 6/6/69, effective 10/9/69.]

WAC 480-08-030 Parties. (1) General. "Person" or "party" when used in these rules means any individual, corporation, partnership, chamber of commerce, board of trade or any commercial, mercantile, agricultural or manufacturing association, or any body politic or municipal corporation; *Provided*, That "party" shall be limited to any of the foregoing who have complied with all requirements pertaining to the establishment and maintenance of party status in any proceeding before the Commission, including but not limited to the entry of a formal appearance at any hearing held in the matter under the provisions of WAC 480-08-080.

(2) Classification of parties. Parties to proceedings before the Commission shall be styled applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties thereto.

(3) Applicants. Persons applying or petitioning for any right or authority from the Commission shall be styled "applicants."

(4) Complainants. Persons who complain to the Commission of any act or omission by any other person shall be styled "complainants." In any proceeding which the Commission brings on its own motion, it shall be styled "complainant."

(5) Petitioners. Persons (other than complainants) petitioning for rehearing or for relief shall be styled "petitioners."

(6) Respondents. Persons against whom any complaint is filed shall be styled "respondents."

(7) Intervenors. Persons permitted to intervene, as hereinafter provided, shall be styled "intervenors."

(8) Protestants. Persons opposing applications or petitions, and also (in investigation and suspension proceedings) those who oppose tariff schedules filed by public service companies shall be styled "protestants." [Order R-79, § 480-08-030, filed 12/3/75; Order R-5, § 480-08-030, filed 6/6/69, effective 10/9/69.]

WAC 480-08-040 Informal procedure—Applications and protests. (1) Informal complaints. Informal complaints may be made by letter or other communication. Matters thus presented may be taken up by the Commission with the parties affected, by correspondence or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint without formal hearing or order. Informal procedure is recommended wherever practicable.

(2) Informal complaints—Contents. No form of informal complaint is prescribed, but in substance the letter or other communication should contain all facts essential to a disposition of the complaint, including the dates of acts or omissions complained against. It will be helpful if the statutes or rules of the Commission which are alleged to be involved or violated are cited. Proceedings instituted by informal complaint shall be without prejudice to the right of any party or the Commission to file and prosecute a formal complaint. Since informal complaints are not in themselves a basis of formal action, all parties desiring a formal order of the Commission should file a formal complaint. Informal procedure is designed only for the amicable adjustment of disputes, and no mandatory or prohibitory order may be issued in an informal proceeding.

(3) Applications. Requests for a permit, license or certificate shall be by application on forms furnished by the Commission on request.

(4) Protests. Persons whose interests would be adversely affected by the granting of an application or by a rate schedule becoming effective may file protests thereto. Protests to applications must conform to the requirements of any Special Rules relative to the type of application being protested. Protestants are not entitled, as a matter of right, to a formal hearing upon the matter being protested, but protests may contain a request for a formal hearing and in such case the protest shall be filed in duplicate. The Commission may, whether or not a protest contains such request, set the matter in question for formal hearing. In such case the Commission shall serve a copy of the protest upon the applicant or petitioners, or the person filing a rate schedule, at the time of giving notice of the hearing. A reply may be made to said protest, but it is not required. [Order R-82, § 480-08-040, filed 6/30/76; Order R-5, § 480-08-040, filed 6/6/69, effective 10/9/69.]

WAC 480-08-050 Pleadings. (1) Pleadings enumerated. Pleadings before the commission shall be formal complaints, petitions, answers, replies, and motions.

(2) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be verified in the manner prescribed for verification of pleadings in the Superior Court of Washington.

(3) Time for motion. Any motion directed toward a complaint or petition must be filed before the answer is due, otherwise such objection must be raised in the answer. If a motion is directed toward an answer, it must be filed before the reply is due, otherwise such objection

must be raised in the reply. If a motion is directed toward a reply, it must be filed within ten days after service of the reply.

(4) Time for answer or reply. An answer, if made, must be filed within twenty days, and a reply, if made, must be filed within ten days, after the service of the pleading against which it is directed, unless otherwise provided in these rules or ordered by the commission: *Provided*, This rule shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules or regulations governing public service companies. Whenever the commission believes the public interest requires expedited procedure it may shorten the time required for any answer or reply.

(5) Defective pleadings. Upon the filing of any pleading, it will be inspected by the commission and if found to be defective or insufficient, it may be returned to the party filing it for correction.

(6) Liberal construction. All pleadings shall be liberally construed with a view to effect justice between the parties, and the commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(7) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons who are not parties to the proceeding.

(8) Disposition of motions. The commission may direct all motions to be submitted for commission decision on either written or oral argument, and may permit the filing of affidavits in support or contravention thereof. Motions filed by different parties but involving the same point of law may be set for hearing at the same time.

(9) Consolidation of proceedings. Two or more proceedings where the facts or principles of law are related may be consolidated and heard together.

(10) Formal complaints. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to chapter 33, Laws of 1979, or complaints in proceedings designated by the commission as formal proceedings.

(11) Formal complaints—Contents. Formal complaints as to any acts or omissions by any person, or for the redress of alleged grievances, must be in writing setting forth clearly and concisely the ground of complaint and a statement of the acts or things done or omitted to be done by such person. Facts constituting such acts or omissions, together with citations of the statutes or rules of the commission involved, should be stated together with the dates on which the acts or omissions occurred. The name of the person complained against must be stated in full, and the address of the complainant, together with the name and address of his attorney, if any, must appear upon the complaint.

In proceedings under RCW 80.04.110 and 81.04.110, the provisions of said statute, together with the above provisions, shall apply.

(12) Petitions. All pleadings praying for affirmative relief (other than complaints or answers), including requests to be permitted to intervene in proceedings, or for rehearing, shall be styled "petitions."

(13) Petitions—Contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all occurrences which may be essential for disposition of the matter, together with a citation of the statutes and rules and regulations of the commission upon which the petition is based.

(14) Answer. Except as otherwise provided in subsection (4) of this section any party against whom a complaint or petition is directed who desires to contest the same or make any representation to the commission in connection therewith except a general denial of the allegations therein contained (in which case no answer shall be required) shall file with the commission and serve upon the complainant or petitioner an answer thereto. Answers shall be so drawn as to advise the parties and the commission fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered. In case a party fails to answer within the time specified in subsection (4) of this section he shall be deemed to have denied generally the allegations of the complaint or petition and shall be precluded, except with the consent of opposing parties and the commission, from setting up any affirmative defense in the proceeding, and the commission will proceed with the matter solely upon the issues set forth in the complaint or petition.

(15) Reply. A complainant or petitioner desiring to reply to an answer shall file same with the commission, together with proof of service, within the time set forth in subsection (4) of this section. Failure to file a reply within said time shall be deemed a general denial.

(16) Motions. Subject to the provisions of subsection (6) of this section, the practice respecting motions including the grounds therefor, and forms thereof, shall conform insofar as possible with the practice relative thereto in the Superior Court of Washington.

(17) Petitions for rule making, amendment or repeal.

(a) Any interested person may petition the commission requesting the promulgation, amendment or repeal of any rule.

(b) Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment or repeal.

(c) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the

further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(d) The commission shall notify the petitioning party within a reasonable time of the disposition of the petition.

(e) In rule making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views and arguments from interested persons on the economic values which may be affected by such rule making.

(18) Declaratory rulings. As prescribed by section 8, chapter 234, Laws of 1959, RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or evidence is submitted, as provided in subdivision (c), the commission shall within a reasonable time:

(i) Issue a binding declaratory ruling; or

(ii) Issue a nonbinding declaratory ruling; or

(iii) Notify the person that no declaratory ruling is to be issued.

(19) Forms.

(a) Any interested person petitioning the commission for a declaratory ruling pursuant to section 8, chapter 234, Laws of 1959, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington Utilities and Transportation Commission." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of the petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

(b) Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington Utilities and Transportation Commission." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size. [Statutory Authority: 1979 c 33, 79-09-017 (Order R-130, Cause No. U-79-34), § 480-08-050, filed 8/9/79; Order R-87, § 480-08-050, filed 10/20/76; Order R-5, § 480-08-050, filed 6/6/69, effective 10/9/69.]

WAC 480-08-055 Objections to closures of highway-railroad grade crossings. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 shall be filed in writing within 20 days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the Commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the Commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status—appearances—service of final order. No person who fails to enter an appearance as prescribed by WAC 480-08-080, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed

an objection to a proposed crossing closure under the provisions of paragraph 1 of this section, and no such person will be entitled to service of the final order of the Commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-08-070. [Order R-79, § 480-08-055, filed 12/3/75.]

WAC 480-08-060 Filing and service. (1) Filing of formal complaints and petitions. Formal complaints and petitions shall be typewritten, mimeographed or printed, and the original and two legible copies shall be filed with the Commission, together with one legible copy for service by the Commission on each of the other parties to the cause.

(2) Filing of other pleadings. All pleadings except formal complaints and petitions shall be typewritten or mimeographed and the original and two legible copies shall be filed with the Commission and a legible copy thereof shall be served upon each party to the proceeding.

(3) Service by parties. Service of pleadings by parties shall be made by delivering one copy to each party in person or by mail, properly addressed with postage prepaid. Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings and of all orders of the Commission in such proceeding. Service of pleadings shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail. Attorneys or other authorized representatives withdrawing from a proceeding shall immediately so notify the Commission and all parties to the proceeding.

(4) Service by Commission. All notices, complaints, petitions, findings of fact, opinions and orders required to be served by the Commission may be served by mail and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail.

(5) Certificate of service. There shall appear on the original of every pleading when filed with the Commission in accordance with Subsection (2), either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by delivering a copy thereof in person to (here name persons served) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his attorney or authorized agent.

Dated at _____ this _____ day of _____

(Signature)
Of Counsel for _____ "

[Order R-5, § 480-08-060, filed 6/6/69, effective 10/9/69.]

WAC 480-08-070 Intervention. (1) General intervention. Any person, other than the original parties to any proceeding before the commission, who shall desire to appear and participate in the proceeding, and who does not desire to broaden the issues of the original proceeding, may petition in writing for leave to intervene in the proceeding prior to, or at the time, it is called for hearing; or may make an oral motion for leave to intervene at the time of the hearing. No such petition or motion shall be filed or made after the proceeding is underway, except for good cause shown. The petition or motion to intervene must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy.

(2) Special intervention. Any person other than the original parties to any proceeding before the commission, who shall desire to appear and participate in the proceeding, and who desires to broaden the issues of the original proceeding, shall petition in writing for leave to intervene in the proceeding, which petition shall be filed with the commission and copies thereof shall be mailed to the original parties to the proceeding at least ten days prior to the date of the hearing. The petition must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy. There shall be attached to said petition a properly verified complaint or answer, as the case may be, setting forth clearly and concisely the facts supporting the relief sought.

(3) Disposition of petitions and motions to intervene. Petitions and motions to intervene shall be considered first at all hearings and prehearing conferences, or may be set for prior hearing, and an opportunity shall be afforded the original parties to be heard thereon. If it appears, after such consideration, that the petition or motion discloses a substantial interest in the subject matter of the hearing, or that participation of the petitioner may be in the public interest, the commission may grant the same, which may be done by oral order at the time of the hearing or prehearing conference. Thereafter such petitioner shall become a party to the proceeding and shall be known as an "intervenor," with the same right to produce witnesses and of cross-examination as other parties to the proceeding. Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by his intervention therein, the commission may dismiss him from the proceeding: *Provided, however,* That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard.

(4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly administration of any proceeding so requires, the making or filing of motions or petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days

prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding no fewer than two days in a continuous seven-day period. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-070, filed 4/19/78; Order R-5, § 480-08-070, filed 6/6/69, effective 10/9/69.]

WAC 480-08-080 Appearances. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his attorney or other authorized representative, as defined in WAC 480-08-090(1). Any future notice, pleading or order in the matter which is required to be served upon parties to the proceeding may be served upon the attorney or representative of a party so represented and such service shall be effective as service upon the party; *Provided*, That the final order or decision, complete with findings of fact and conclusions of law, shall be served upon all parties as well as the attorneys or authorized representatives of such parties, if any.

(2) Termination of party status. Notwithstanding any other provisions of these rules pertaining to party status, and unless specifically authorized by order of the commission for good cause shown, no person shall be a party to any proceeding in which such person has failed to enter a written appearance (and an oral appearance upon request of the presiding officer) at any hearing or prehearing conference in the matter as prescribed in paragraph (1); the party status of any person failing to enter a written appearance (and an oral appearance upon request of the presiding officer) terminates as a matter of law at the close of the period of taking such appearances and any subsequent participation in the proceedings, other than as a witness, by persons who have failed to enter appearances as above prescribed will be treated under the rules pertaining to intervention, in WAC 480-08-070: *Provided*, That nothing in this section shall be construed to terminate the party status of any person who is a respondent in any proceeding which involves alleged violations of provisions of Titles 80 or 81 RCW or Title 480 WAC. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-080, filed 4/19/78; Order R-79, § 480-08-080, filed 12/3/75; Order R-5, § 480-08-080, filed 6/6/69, effective 10/9/69.]

WAC 480-08-090 Appearance and practice before Commission. (1) General. In all proceedings wherein pleadings are filed and a formal hearing is held involving the taking of testimony and formulation of a record

subject to review by the courts, no person may appear in a representative capacity other than the following:

(a) Attorneys at law duly qualified and entitled to practice before the Supreme Court of the State of Washington.

(b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if attorneys at law of the State of Washington are permitted to appear in a representative capacity before the public service regulatory body of such other state;

(c) Persons not attorneys at law who have been duly authorized to practice before the Interstate Commerce Commission;

(d) Upon permission of the presiding officer at such hearing, a *bona fide* officer or full time employee of an individual, firm, association or corporation who appears for such individual, firm, association or corporation.

Where the Commission, in giving notice of hearing, determines that representative activity in such hearing requires a high degree of legal training, experience and skill, the Commission may limit those who may appear in a representative capacity to attorneys at law.

(2) Solicitation of business by attorneys or practitioners. It shall be unethical for persons acting in a representative capacity before the Commission to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

(3) Discipline for unethical conduct. All persons appearing in proceedings before the Commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Commission may decline to permit such person to appear in a representative capacity in any proceeding before the Commission.

(4) Former employees. No former employee of the Commission or member of the attorney general's staff may within one year after severing his employment with the Commission or the Attorney General appear, except with the written permission of the Commission, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the Commission.

(5) Expert witnesses. No former employee of the Commission shall within one year after severing his employment with the Commission appear, except with the written permission of the Commission, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the Commission. [Order R-5, § 480-08-090, filed 6/6/69, effective 10/9/69.]

WAC 480-08-100 Prehearing conferences. (1) General. When issues are joined in any formal proceeding the commission may, by written notice, request all interested parties to attend, with or without counsel, a prehearing conference for the purpose of determining the feasibility of settlement, or of formulating the issues in

the proceeding and to determine other matters to aid in its disposition. A commissioner or an employee of the commission designated by the commission, shall preside at such conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof; and
- (h) The disposition of motions or petitions for leave to intervene in the proceeding filed pursuant to WAC 480-08-070.

(2) Notice as to simplified issues. Following the pre-hearing conference a proposed form of notice of the formal hearing, if one is to be had, reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered shall be submitted by mail as provided by WAC 480-08-060(4) to the parties or their attorneys, or other authorized representatives, for approval. If no objection to such form of notice is filed within 10 days after the date such notice is mailed, it shall be deemed to be approved. This notice when so approved and after due service, shall limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of the parties or their counsel, and will control the subsequent course of the proceeding unless modified at the hearing to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference. [Statutory Authority: RCW 34.04.020, 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-100, filed 4/19/78; Order R-5, § 480-08-100, filed 6/6/69, effective 10/9/69.]

WAC 480-08-110 Voluntary settlement. (1) General. Where the matter in controversy affects only the parties involved and not the general public, such parties to the proceeding may, with the approval of the Commission, enter into a voluntary settlement of the subject matter of the complaint prior or subsequent to a formal hearing; and in furtherance of a voluntary settlement, the Commission may, in its discretion, invite the parties to confer with it or with an Examiner designated by it. Such conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission or offer of settlement made at such informal conference shall be admissible in evidence in any formal

hearing before the Commission. [Order R-5, § 480-08-110, filed 6/6/69, effective 10/9/69.]

WAC 480-08-120 Subpoenas. (1) General. Subpoenas may be issued by a Commissioner, or an Examiner, and witnesses are required to comply therewith in the manner prescribed in RCW 80.04.020, 80.04.030, 81.04.020, 81.04.030, 80.04.040, 80.04.050, 80.04.060, 81.04.040, 81.04.050, 81.04.060 and 80.01.060. Parties desiring subpoenas should prepare them for issuance, send them to the Commission for signature and have the same served at their expense. The Commission shall be responsible only for paying the witness fees of witnesses subpoenaed by it, and each subpoena shall bear the name of the party responsible for paying the witness fees. [Order R-5, § 480-08-120, filed 6/6/69, effective 10/9/69.]

WAC 480-08-130 Depositions. (1) General. The Commission shall have the right to take the testimony of any witness by deposition and for that purpose the attendance of witnesses and the production of books, way-bills, documents, papers and accounts may be enforced in the same manner as in the case of hearing before the Commission. The provisions of RCW 80.04.040, 80.04.050, 80.04.060, 81.04.040, 81.04.050, and 81.04.060 shall govern the taking of all depositions.

(2) Request that deposition be taken. Any party to a proceeding may request the Commission to take by deposition the testimony of any witness. Such party shall prepare a proper form of commission and interrogatories, if any, and file the same with the Commission at the time of making such request. If the Commission deems the request meritorious it may take the testimony of such witness by deposition in the manner provided in (1): *Provided*, That all costs incidental thereto shall be paid by the party desiring such deposition. [Order R-5, § 480-08-130, filed 6/6/69, effective 10/9/69.]

WAC 480-08-140 Hearings. (1) General. The time and place of holding formal hearings will be set by the Commission and notice thereof served upon all parties at least ten days in advance of the hearing date, unless the Commission finds that an emergency exists requiring the hearing to be held upon less notice when all parties agree to less notice of such hearing. An effort will be made to set all formal hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that continuances will be reduced to a minimum. In valuation proceedings thirty (30) days' notice will be given in accordance with RCW 80.04.250.

(2) Dismissing applications. At the time and place set for hearing, if an applicant, petitioner or complainant fails to appear, the Commission may recess said hearing for a further period to be set by the presiding officer to enable said applicant, petitioner or complainant to attend upon said hearing, but if at the time set for the resumption of the hearing said applicant, petitioner or complainant is not present or represented, the Commission may dismiss the petition, application or complaint.

(3) Notice and hearings in contested cases. The foregoing provisions of Subsection (1) shall apply to all contested cases. Likewise, all Commission rules of practice and procedure which apply to hearings generally shall also be applicable to hearings in contested cases. [Order R-5, § 480-08-140, filed 6/6/69, effective 10/9/69.]

WAC 480-08-150 Continuances. (1) General. Any party who desires a continuance shall, immediately upon receipt of notice of the hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Commission of said desire, stating in detail the reasons why such continuance is necessary. The Commission in passing upon a request for a continuance shall consider whether such request was promptly made. Except in cases of hardship or unless good cause is shown, no such continuance shall be granted unless such a request is made to this Commission at least five (5) days preceding the date upon which the matter is set for hearing. The Commission may grant such a continuance and may at any time order a continuance upon its own motion. Failure of an applicant to obtain a continuance in the manner noted above and to appear in support of his application at the time and place it is noted for hearing, shall result in the dismissal of his application and the forfeiture of his application filing fees. During the hearing, if it appears in the public interest that further testimony or argument should be received, a Commissioner or Examiner may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order R-5, § 480-08-150, filed 6/6/69, effective 10/9/69.]

WAC 480-08-160 Stipulation as to facts. (1) General. The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Commission or entered in the record, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be binding upon the parties thereto and may be regarded and used by the Commission as evidence at the hearing. It is desirable that the facts be thus agreed upon whenever practicable. The Commission may, however, require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties. [Order R-5, § 480-08-160, filed 6/6/69, effective 10/9/69.]

WAC 480-08-170 Conduct at hearings. (1) General. All parties to hearings, their counsel and spectators shall conduct themselves in a respectful manner. Demonstrations of any kind at hearings shall not be permitted.

(2) No smoking. Smoking shall not be permitted at formal hearings of the Commission while in session: *Provided*, That at docket hearings held in accordance with WAC 480-12-290, the presiding officer may relax this provision.

(3) Testimony under oath. All testimony to be considered by the Commission in formal hearings, except matters noticed officially or entered by stipulation, shall be sworn testimony. Before taking the witness stand each person shall swear (or affirm) that the testimony he is about to give in the hearing before the Commission shall be the truth, the whole truth and nothing but the truth. [Order R-5, § 480-08-170, filed 6/6/69, effective 10/9/69.]

WAC 480-08-180 Order of procedure. (1) General. Evidence will ordinarily be received in the following order:

(a) Upon investigation on motion of the Commission: (i) Commission's staff, (ii) respondent and (iii) rebuttal by Commission's staff.

(b) In investigation and suspension proceedings: (i) respondent, (ii) Commission's staff, (iii) protestants against suspended schedules and (iv) rebuttal by respondent.

(c) Upon applications and petitions: (i) applicants or petitioners, (ii) Commission's staff, (iii) protestants and (iv) rebuttal by applicant or petitioner.

(d) Upon formal complaints: (i) complainant, (ii) respondent, (iii) Commission's staff and (iv) rebuttal by complainant.

(e) Upon order to show cause: (i) Commission's staff, (ii) respondent and (iii) rebuttal by Commission's staff.

(f) In docket hearings: At the discretion of presiding officer or Examiner.

(2) Modification of Procedure. The order of presentation above prescribed for the several kinds of hearings, respectively, shall be followed, except where the presiding officer may otherwise direct. In hearings of several proceedings upon a consolidated record, the presiding officer shall designate who shall open or close. Intervenor shall follow the party in whose behalf the intervention is made. If the intervention is not in support of either original party, the presiding officer shall designate at what stage such intervenors shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall first be heard, if all parties thereto are ready: *Provided*, That the presiding officer may direct a different order to suit the convenience of the parties. [Order R-5, § 480-08-180, filed 6/6/69, effective 10/9/69.]

WAC 480-08-190 Rules of evidence. (1) General. Subject to the other provisions of this rule, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not involving trial by jury, in the courts of the State of Washington.

When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the Commission. The presiding officer may, in

his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered.

(2) Official notice. In addition to matters concerning which courts of this state take judicial notice, the Commission will take official notice of the following matters: (a) rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the Commission and other governmental agencies; (b) contents of certificates, permits and licenses issued by the Commission; (c) tariffs, classifications, and schedules regularly established by or filed with the Commission as required or authorized by law. In addition, the Commission may, in its discretion, upon being requested by all parties to the proceeding so to do, take official notice of the results of its own inspection of the physical conditions involved, and may, with or without being requested by a party so to do, take official notice of the results of its previous experience in similar situations, and the general information concerning the subject which goes to make up its fund of expert knowledge. Where official notice is taken of any matter, the findings of fact shall so specify and shall state the basis upon which notice is taken.

(3) Resolutions. Resolutions, properly authenticated, of the governing bodies of cities, towns, counties and other municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural or manufacturing societies and other civic organizations will be received in evidence if offered by the president, secretary or other proper officer in person at the hearing, provided such officer was present when the resolution was passed. Such resolution shall be received subject to rebuttal by adversely affected parties as to either the authenticity of the resolution or the circumstances surrounding its procurement. Recitals of facts contained in resolutions shall not be deemed proof of those facts. [Order R-5, § 480-08-190, filed 6/6/69, effective 10/9/69.]

WAC 480-08-200 Exhibits and documentary evidence. (1) Size of exhibits. Except by special permission of the presiding officer no specially prepared exhibit offered as evidence shall be of greater size when folded than 8-1/2 inches by 13 inches: *Provided*, That maps of greater size, necessary to a presentation of the evidence, will be admissible.

(2) Designation of part of document as evidence. When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily encumber the record, such book, paper or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding officer so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the party offering

the same to all other parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

(3) Official records. An official rule, report, order, record or other document, prepared and issued by any governmental authority, when admissible for any purpose may be evidenced by an official publication thereof, by a publication of a nationally-recognized reporting service deemed, by the presiding officer, to constitute a sufficient guaranty of trustworthiness, or by a copy attested by the officer having the legal custody thereof, or his deputy, and accompanied by a certificate that such officer has the custody, made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. In cases where such official records, otherwise admissible, are contained in official publications or publications by nationally-recognized reporting services, and are in general circulation and readily accessible to all parties, they may be introduced by reference: *Provided, however*, That proper and definite reference to the record in question is made by the party offering the same.

(4) Commission's files. Paper and documents on file with the Commission, if otherwise admissible, and whether or not the Commission has authority to take official notice of the same under WAC 480-08-190(2), may be introduced by reference to number, date or by any other method of identification satisfactory to the presiding officer. If only a portion of any such paper or document is offered in evidence, the part so offered shall be clearly designated.

Intra-office Commission memoranda and reports when designated as confidential by the Commission, to the extent permitted by section 31, chapter 1, Laws of 1973, are not public records subject to inspection, nor shall such documents be introduced [introduced] in evidence.

(5) Records in other proceedings. In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) the party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; and

(b) the portion is specified with particularity in such manner as to be readily identified; and

(c) the parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) the presiding officer directs such incorporation.

(6) Objections. Any documentary evidence offered, whether in the form of exhibit or introduced by reference, shall be subject to appropriate and timely objection.

(7) Copies of exhibits to opposing counsel. When specially prepared exhibits of a documentary character are

offered in evidence, copies must be furnished to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. Unless a greater number is requested, twelve (12) copies shall be prepared and the furnishing of said twelve (12) copies shall be deemed compliance with this rule. Whenever practicable, the parties should interchange copies of exhibits before, or at the commencement of the hearing. [Order R-43, § 480-08-200, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-200, filed 6/9/69, effective 10/9/69.]

WAC 480-08-210 Modified procedure. (1) General. Modified procedure, as defined hereinafter (in lieu of oral hearing) shall apply only to hearings required by law involving rates, charges, classification, rules and regulations of the Commission involving changes in freight tariffs issued by or filed with the Commission on Washington intrastate traffic. "Modified Procedure" means the procedure specified in this rule which provides for the filing and service of pleadings in proceedings with a view to limiting the matters upon which oral evidence, if any, will be introduced.

(2) Modified procedure—How initiated.

(a) Petition on Commission's initiative. Modified procedure may be ordered in a proceeding upon the Commission's initiative or upon its approval of a petition filed by any party that the modified procedure shall be observed.

(b) Order directing modified procedure. An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified procedure rules. As used herein, the term "complainant" shall include the term "respondent" or "applicant", and the term "defendant" shall include the term "protestant", as specified in this rule.

(3) Modified procedure—Effect of order.

(a) Relief from answer rule. Issuance of an order directing modified procedure in a complaint case shall relieve defendant from the obligation of answering as provided in WAC 480-08-050(14).

(b) Default where failure to comply. If within any time period provided in the modified procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

(4) Modified procedure—Intervention. Persons permitted to intervene under modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

(5) Modified procedure—Joint pleadings. Parties having common interests should arrange for joint preparation of pleadings filed under modified procedure.

(6) Modified procedure—Content of pleadings. General. A statement filed under the modified procedure after that procedure has been directed shall state the facts and include the exhibits upon which the party relies. If

no answer has been filed pursuant to the waiver provision of Subsection (3) above, defendant's statement in reply shall specify those statements of fact of the opposite party to which exception is taken, and include a statement of the facts constituting the basis for such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(7) Exhibit identification. In addition to being in compliance with WAC 480-08-200(1) an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Cause Number -----, Exhibit No. -----, Witness -----"

(8) Modified procedure—Verification. The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally.

(9) Modified procedure—When pleadings filed and served. Within 20 days from the date of an order requiring modified procedure, the party initiating the proceeding shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter the defendant (or protestant) shall serve its statement(s). Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

(10) Modified procedure—Copies of pleadings. The original and 3 copies of any statement made pursuant to these rules shall be filed with the Commission. One copy shall be served on all other parties of record in accordance with the provisions of WAC 480-08-060(3).

(11) Modified procedure—Hearings.

(a) Request for cross-examination or other hearing. If cross-examination of any witness is desired the name of the witness and subject matter of the desired cross-examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be.

(b) Hearing issues limited. The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the witnesses to be cross-examined and other matters upon which the parties are not in agreement and respecting which oral evidence can be introduced. Any parties shall have the right to rebut any new evidence brought into evidence at such oral hearing.

(12) Offer in evidence of verified statements. If no cross-examination under Subsection (11) is requested of a witness who has properly filed and served a verified statement under this rule, and no objection by a party of record is filed with the Commission (as of that same time) against such verified statement (in whole or in part) on the grounds that:

(a) The statement does not contain probative evidence, or

(b) The evidence in such statement is incompetent, immaterial and/or unduly repetitious,

it shall be deemed a waiver of objection by all parties of record. Thereafter on written or oral offer by a party of record, such statement will be admitted into evidence. If cross-examination is requested or objection is filed, as outlined above, the admission of such verified statement will be withheld until the objection has been withdrawn or hearing has been held and decision has been rendered by the presiding Examiner. Where objection is filed to the receipt of all or part of a verified statement, all parties of record shall be notified of that as specified in Subsection (11) above, and the basis for the objection shall be stated.

(13) Subsequent procedure. Procedure subsequent to that provided in this modified procedure rule shall be the same as that provided for proceedings not handled under modified procedure. [Order R-5, § 480-08-210, filed 6/6/69, effective 10/9/69.]

WAC 480-08-220 Briefs. (1) General. Briefs may be filed in any proceeding before the Commission by any interested party, and shall be filed by any party to the proceeding upon the request of the Commission, and within such time as shall be directed by the Commission. The Commission may require the filing of all briefs within three days after the close of the hearing if it considers the proceeding to be such that an order should issue promptly; and in the case of matters requiring an immediate decision, may require the parties, or their counsel, to present their arguments and authority orally at the close of the hearing, instead of by written brief. Briefs should set out the leading facts and conclusion which the evidence tends to prove, and point out the particular evidence relied upon to support such conclusion. Briefs may be printed (size 6-1/2 inches by 8-1/2 inches), otherwise they shall be multilithed, mimeographed, or typewritten (size 8-1/2 inches by 11 inches or 8-1/2 inches by 13 inches), and all copies shall be clearly legible. Three copies of each brief shall be filed with the Commission and copies thereof shall be served on all parties to the case, or their counsel, and proof of such service furnished to the Commission in the manner provided by WAC 480-08-060(5). [Order R-5, § 480-08-220, filed 6/6/69, effective 10/9/69.]

WAC 480-08-230 Commission proposed orders. (1) General. Whenever the Commission issues a proposed order in accordance with the provisions of RCW 34.04-.110, the parties of record shall be so notified.

(2) Time for Filing. Exceptions to proposed orders must be filed in triplicate with the secretary of the Commission and one copy must be served upon all other interested parties within twenty (20) days from the date of issuance of said order, unless a different time for filing is designated by the Commission at or following the issuance of the proposed order. Proof of service must be made in accordance with WAC 480-08-060(5).

(3) Exceptions—Who May File. Any party in a contested case, adversely affected by the proposed order entered therein, may file exception thereto.

(4) Exceptions—Contents. Exceptions to proposed orders shall be specific and must be stated and numbered

separately. Exceptions to findings of fact must be supported by a reference to that page or part of the record or in the alternative by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to conclusions in the summary portion of the proposed order there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate decision.

(5) Replies. Replies to exceptions must be filed in triplicate with the secretary of the Commission and a copy served upon the excepting party within ten days of the date of service of the exceptions, unless a different time for filing is designated by the Commission.

(6) Briefs or Written Arguments. Briefs or written arguments shall be served and filed in the same manner as provided in Subsections (2) and (5). The Commission may in its discretion hear oral arguments at a time and place to be designated by it upon notice to all affected parties.

(7) Final Order. After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, a majority of the Commission may affirm the proposed order by an appropriate final order, or it may make such changes as it deems necessary in its final order. The statutory time for review proceedings shall not commence until the date of the Commission's final order. [Order R-5, § 480-08-230, filed 6/6/69, effective 10/9/69.]

WAC 480-08-240 Proposed orders by examiners.

(1) General. WAC 480-08-240 shall apply in any proceeding under Title 81 RCW (Transportation) which has been the subject of a hearing except when

(a) no objection is made to a request on the record by a party or the Examiner for omission of Examiner's proposed order; or

(b) the proceeding is a docket hearing under WAC 480-12-290 adopted by the Commission by General Order M.V. No. 139, effective September 6, 1960, as amended; or

(c) the proceeding involves rule making governed by RCW 34.04.020; or

(d) the decision is not adverse to any party to the proceeding other than the Commission; or

(e) the Commission finds that due and timely exercise of its functions requires in the public interest the omission of an Examiner's proposed order.

(2) Preparation and service of proposed order. In proceedings covered by (1) the Examiner conducting the hearing, or, when required, such other Examiner as shall be designated by the Commission, shall prepare a proposed order including findings of fact and conclusions of law and the same shall be served upon all parties of record.

(3) Briefs to Examiner. At the conclusion of the hearing the Examiner may provide for the submission of briefs and fix the time to be allotted therefor.

(4) Exceptions—Who may file. Any party of record may file exceptions to the Examiner's proposed order.

(5) Exceptions—Time for Filing. Exceptions to Examiner's proposed order must be filed in triplicate with the Secretary of the Commission and one copy must be served upon all other parties of record or their attorneys within twenty days of the date of service of said proposed order. Proof of service must be made in accordance with WAC 480-08-060(5).

(6) Exceptions—Contents. Exceptions to Examiner's proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by reference to that page or part of the record or, in the alternative, by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute, and/or to the applicable rule and regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to statements in the summary portion of the proposed order there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate order.

(7) Replies—Who may file. Any party of record may file replies to exceptions.

(8) Replies—Time for filing. Replies to exceptions must be filed in triplicate with the Secretary of the Commission. One copy shall be served on all other parties of record or their attorney of record within ten days of the date of the service of the exceptions. Proof of service must be made in accordance with WAC 480-08-060(5).

(9) Replies—Contents. Replies to exceptions shall be specific and must be stated and numbered separately and must be supported by a reference to that page or part of the record, or in the alternative a statement of the evidence, relied upon to support the reply.

(10) Time for Filing—Variance. The Commission may in its discretion, upon notice to the parties, reduce or extend the time for filing exceptions and replies.

(11) Briefs or Written Arguments. Briefs or written arguments shall accompany exceptions and replies.

(12) Oral Argument. The Commission may in its discretion hear oral argument at time and place to be designated by it upon notice to all affected parties.

(13) Final Decision. After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, or on its own motion if no exceptions are filed, a majority of the Commission may affirm the Examiner's proposed order by an appropriate order. The statutory time for review proceedings shall not commence until decision and order. The statutory time for review proceedings shall not commence until the date of the Commission's

final order. [Order R-5, § 480-08-240, filed 6/6/69, effective 10/9/69.]

WAC 480-08-250 Rehearing or reconsideration. (1) General. Proceedings shall be subject to rehearing or reconsideration in the manner prescribed by RCW 80.04.165 and RCW 80.04.200, or the equivalent sections of Title 81 RCW, and in these and all other cases application for rehearing shall be made by petition verified under oath stating specifically the grounds thereof, and three (3) copies thereof shall be filed with the Commission and a copy thereof shall be served by the petitioner upon all other parties to the proceeding or their attorneys of record, together with proof of service, in accordance with WAC 480-08-060(5).

(2) Contents. All such petitions for rehearing or reconsideration shall specifically identify each portion or portions of the challenged order which the petitioner deems to be erroneous or incomplete. In addition, such petitions shall cite those portions of the evidence, the laws or rules of the Commission which are relied upon in support of the allegations of the petition.

(3) Amendment or rescission of orders or rules. Under RCW 80.04.210 and the equivalent section of Title 81 RCW, the Commission, upon notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints, may amend or rescind any order or rule made, issued, or promulgated by it. [Order R-5, § 480-08-250, filed 6/6/69, effective 10/9/69.]

WAC 480-08-260 No discussion of proceeding until decision. (1) General. The Commission declares its policy to be that after the filing of a complaint or petition in a contested formal proceeding and prior to the issuance of a final order thereon, no parties to the proceeding, or their counsel, shall discuss the merits of such matter or proceeding with the Commissioners, or with the Examiner involved, unless reasonable notice is given to all parties who have appeared therein, to enable such parties to be present at the conference. When, after filing of a complaint or petition and prior to the issuance of a final order thereon, letters are directed to the Commission, or any member of its staff, regarding a formal proceeding, copies of such letters shall be mailed to all parties of record and proof of such service furnished to the Commission. [Order R-5, § 480-08-260, filed 6/6/69, effective 10/9/69.]

WAC 480-08-270 Joint hearings. (1) General. In any proceeding wherein the Commission participates jointly with the Interstate Commerce Commission or other federal regulatory agency, the rules of practice and procedure of such federal agency shall govern. In any proceeding wherein the Commission participates jointly with an administrative body of another state or states, the rules of the state where the hearing is held shall govern such proceeding, unless otherwise agreed upon by the participating agencies: *Provided*, That any person entitled to appear in a representative capacity before any of the agencies involved in the joint hearing may do so in

such joint hearing. [Order R-5, § 480-08-270, filed 6/6/69, effective 10/9/69.]

WAC 480-08-280 Administrative rulings. (1) General. Upon the petition of any interested person subject to its jurisdiction, or upon its own motion, the Commission may, when it appears to be in the public interest, make and issue administrative rulings when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of statutes or rules of the Commission. [Order R-5, § 480-08-280, filed 6/6/69, effective 10/9/69.]

WAC 480-08-290 Segregation of functions in formal proceedings. (1) General policy. To the end that only such matters as appear of record at a hearing shall be considered in the determination of a proceeding, segregation, insofar as practicable, shall be made between the work of the investigating and prosecuting staff, and that of Examiners who hold hearings. [Order R-5, § 480-08-290, filed 6/6/69, effective 10/9/69.]

WAC 480-08-300 Compliance with orders. (1) Notification to Commission; tariff reference required. When an order has been issued by the Commission any party named therein, who is, by such order, required to do or refrain from doing any act or thing, shall notify the Commission on or before the date upon which compliance with such order is required, whether or not there has been compliance with said order. If such order necessitates a change in rates, the above notification shall be given in addition to the filing of proper tariffs, and shall specify the Commission's numbers of the tariffs so filed. [Order R-5, § 480-08-300, filed 6/6/69, effective 10/9/69.]

WAC 480-08-310 Computation of time. (1) General. The time within which an act shall be done, as herein provided, shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is excluded from the computation. [Order R-5, § 480-08-310, filed 6/6/69, effective 10/9/69.]

WAC 480-08-320 Suspension of tariffs. (1) On complaint or own motion. Except upon its own motion, the Commission shall not suspend, in accordance with the provisions of RCW 80.04.130 and 81.04.130, the operation of any tariff, schedule, classification, rule or regulation filed with the Commission unless a complaint, protest or petition is filed with the Commission at least twelve days prior to the date said tariff, schedule, classification, rule or regulation is to become effective, together with proof of service thereof upon the public service company making such filing, in accordance with WAC 480-08-060(5): *Provided*, That the Commission may waive, for good cause shown, the requirements as to time for filing and the service of said complaint, protest or petition. The public service company may serve and file an answer to such complaint, protest or petition within seven days after the service of said complaint,

protest or petition upon it. [Order R-66, § 480-08-320, filed 5/8/74; Order R-5, § 480-08-320, filed 6/6/69, effective 10/9/69.]

WAC 480-08-330 General application--Special rules--Exceptions--Cancellation of former rules. (1) General rules. The rules of practice and procedure of which this is one are for general application to proceedings and hearings before the Commission.

(2) Special rules. Special rules have been adopted and may in the future be adopted applying to certain classes of public service companies or to particular proceedings, and in case such special rules are inconsistent with these general rules, the special rules shall govern.

(3) Modifications and exceptions. These rules and regulations are subject to such changes, modifications and additions as the Commission from time to time may prescribe, and such exceptions as may be just and reasonable in individual cases as determined by the Commission. [Order R-5, § 480-08-330, filed 6/6/69, effective 10/9/69.]

Chapter 480-12 WAC MOTOR CARRIERS

WAC

480-12-100	Forwarders and brokers.
480-12-130	Identification cards—Amendment—Substitution.
480-12-180	Equipment—Drivers—Safety.
480-12-190	Hours of service—On duty—Adoption of federal safety regulations.
480-12-195	Hazardous materials regulations.
480-12-200	Accidents, reporting of.
480-12-285	Tariffs, distribution and cost of.
480-12-990	Appendix A—Classification of brokers, forwarders and motor carriers of property.

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

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

(a) A broker's compensation shall be in the form of a fixed fee or percentage of the total tariff charges which shall be fixed and established by the commission based upon evidence submitted by the affected party or parties, which in every instance must be collected from the shipper by the broker and no charge for any service shall be collected from the carrier. Every common carrier broker shall collect his fee, or percent of the total revenue charges, as a separate item and in accordance with the provisions of WAC 480-12-340 credit, extension of, by common carriers. Unless specifically authorized by the commission no common carrier broker authorized to

collect charges from shippers for common carrier brokerage service shall collect from said shipper the common carrier tariff charges arising from the highway transportation of the property: *Provided*, That these provisions will not apply to any person holding a broker permit issued by the commission prior to the effective date of this rule. Such brokers may continue to operate under the terms and conditions specified in their broker permit and under the commission rules which were in effect at the time their broker permit was issued.

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

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

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

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

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

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

The undersigned has (have) performed services as freight forwarder claiming exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80-.045], in the year -----, beginning in the month of -----. There was no intent to perform such services for a profit, and no profit was in fact made.

(Signature of forwarders)

Subscribed and sworn to before me this ----- day of -----, 19--.

Notary Public for the state of Washington in and for the county of -----

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

WAC 480-12-130 Identification cards--Amendment--Substitution. (1) No vehicle of combination of vehicles operated by a common or contract carrier or registered carrier upon the highways of this state or the streets of regulated cities shall be so operated without having available within the cab of the motive power vehicle a valid identification card properly signed and with appropriate stamp affixed. Such identification card shall be subject to inspection by the Commission's representatives at all times.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee, during the month of November each year, or at any time thereafter that additional stamps are required. Such application shall be on forms furnished by the commission. The schedule of stamp and maximum regulatory fees is as follows:

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$3.00	\$ 7.00
4,000 to 7,999 lbs.	3.00	9.00
8,000 to 11,999 lbs.	3.00	11.00
12,000 to 15,999 lbs.	3.00	13.00
16,000 to 19,999 lbs.	3.00	15.00
20,000 to 23,999 lbs.	3.00	17.00
24,000 to 27,999 lbs.	3.00	19.00
28,000 to 31,999 lbs.	3.00	21.00
32,000 to 35,999 lbs.	3.00	23.00
36,000 to 39,999 lbs.	3.00	30.00
40,000 to 43,999 lbs.	3.00	32.00
44,000 to 47,999 lbs.	3.00	34.00
48,000 to 51,999 lbs.	3.00	36.00
52,000 to 55,999 lbs.	3.00	38.00
56,000 to 59,999 lbs.	3.00	40.00
60,000 to 63,999 lbs.	3.00	42.00
64,000 to 67,999 lbs.	3.00	44.00
68,000 to 71,999 lbs.	3.00	46.00
72,000 to 75,999 lbs.	3.00	48.00

NOTE: The above regulatory fees are maximum only. Under RCW 81.80.320 the commission may, by general order entered before November 1 of any year, reduce the fees on a proportional basis.

(3) The stamp fee named in subsection (2) applies to each stamp applied for. The regulatory fee is also payable in connection with each stamp and is determined as follows:

(a) On any "solo" vehicle, or in combinations pulling any trailer operated either in intrastate or interstate

commerce, the regulatory fee shall be as stated in subsection (2) and shall be based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates plus any additional tonnage or log tolerance permits. In the event that trailers or semi-trailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power unit, the fees provided herein shall be computed on the basis of the licensed gross weight of the trailers, plus additional weight fees if any, in which case a separate identification cab card will be issued for such trailers in the same manner as for a motive power vehicle.

(b) In lieu of the payment of a full regulatory fee for each vehicle or combination of vehicles operated across or between points in the state and points outside the state exclusively in interstate or foreign commerce, and as to vehicles operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the regulatory fee may, at the request of the carrier, be paid on the basis of one of the following options:

Option 1. Floater Regulatory Fee Cards.

Carriers who operate vehicles between points in this state and points outside this state exclusively in interstate commerce, and carriers who operate fleets in excess of 200 motive power units between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce may elect to purchase unassigned regulatory fee receipts at one hundred fifty percent of the applicable gross weight fee stated in subsection (2). One of these regulatory fee receipts must be carried within the cab of the motive power vehicle when such equipment is operated in this state and must be accompanied by a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington Utilities and Transportation Commission identification stamp. When applied for in this manner the fee must be that for the highest gross licensed weight of such solo or combination with which the receipt showing the payment of regulatory fees may be used.

The carrier must file and keep current a list of power equipment being used under this option, including leased equipment, and purchase an identification stamp for each power unit so listed as provided for in subsection (2).

In the case of unladen automobiles and trucks operated in interstate driveaway service across or between points in the state and points outside the state, the carrier may use unassigned National Association of Regulatory Utility Commissioners uniform identification cab cards and Washington Utilities and Transportation Commission identification stamps upon payment of one hundred fifty percent of the applicable gross weight fee and the three dollar stamp fee for each unassigned cab card and stamp.

Option 2. Lump Sum Regulatory Fee Payment.

Carriers who operate fleets in excess of 200 motive power vehicles either exclusively in interstate or foreign commerce across or between points in this state and

points outside this state or between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce, and who have so operated under Option 1, above, or this option for the immediately preceding calendar year, may elect to pay a lump sum regulatory fee based on the number of power units for which identification stamps have been purchased during the immediately preceding calendar year at the regulatory fee established by general order of the commission entered before November 1st of any year. These carriers must file and keep current a list of power equipment used under this option, including leased equipment, and purchase an identification stamp for each power unit so listed as provided in subsection (2). With a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington Utilities and Transportation Commission identification stamp attached, no proof of regulatory fee payment need be carried.

Option 3. Single Cab Card.

This option is available to interstate operators whose vehicles are proportionally registered under chapter 46.85 RCW, and who elect to use the "single document cab card" provided for by chapter 46.86 RCW and applies only to such vehicles that are operated across or between points in this state and points outside the state exclusively in interstate or foreign commerce. If a carrier elects to use this option, he shall indicate in the appropriate column of his application for proportional registration those power units for which he elects to pay Washington Utilities and Transportation Commission fees. Upon payment of all required fees to the Department of Licensing, a single cab card will be issued by the Department of Licensing for each vehicle upon which fees have been paid and a corresponding identification stamp will be issued by this commission. The identification stamp shall be affixed to a National Association of Regulatory Utility Commissioner's identification cab card. In lieu of adding Washington Utilities and Transportation Commission fees to his application for proportional registration, a carrier may avail himself of option 1 or option 2. In this event application will be made directly to the Washington Utilities and Transportation Commission. Carriers must file and keep current a list of power equipment being used under this option, including leased equipment.

Option 4. Single Trip Transit Permit.

Carriers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may as in alternative to all other requirements of this chapter obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, out of or across the state. This permit will be issued upon payment of a fee of ten dollars and must be carried in the cab of the power vehicle. Proof of public liability and property damage insurance in the form of an insurance policy or a certificate of insurance in the amounts provided for in WAC 480-12-350 must be furnished with the application.

Option 5. Single Trip Regulatory Fee Card.

A carrier registered with the Washington Utilities and Transportation Commission to engage in interstate or foreign commerce across or between points in this state and points outside of this state, may purchase single trip regulatory fee cards, valid for five days, authorizing a one-way trip into, out of or across this state, for a fee of ten dollars each.

Pre-numbered Single Trip Regulatory Fee Cards must be purchased in advance and no refund will be allowed for unused cards. Cards must be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner (if other than the carrier), the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. Card must be carried in the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.

At the end of each calendar month a report shall be sent to the Commission, showing the card number, dates used, origin of shipment, destination of shipment and vehicle number.

(c) In intrastate or interstate commerce between points within the state of Washington the identification cab card and stamp may, at the request of the carrier, not be assigned to any particular motive power vehicle under the following circumstances:

(i) In connection with trucks or tractors to be operated under master leasing agreements provided for in WAC 480-12-210(1)(h), in which case the cab card may be used only with vehicles operated under such master leasing agreements; and

(ii) In connection with unladen automobiles or trucks in driveaway service, in which case the cab card may be used only with such vehicles in driveaway service. The fees shall be as stated in subsection (3)(a) for the highest gross licensed weight (highest actual weight in driveaway service) on any power vehicle with which the identification cab card and stamp may be used.

(d) In intrastate commerce between points within the state of Washington, a common or contract carrier acquiring the use of private carrier equipment under the provisions of WAC 480-12-210(1)(c) may, in connection with short term leases, elect to purchase single trip regulatory fee cards, valid for five days, authorizing a one-way trip between points within this state, for a fee of ten dollars each, in lieu of payment of the full regulatory fee.

Pre-numbered single trip regulatory fee cards must be purchased in advance and no refunds will be allowed for unused cards. Cards must be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner, the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. The card must be carried in

the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.

At the end of each calendar month a report shall be sent to the Commission, showing the card number, date used, origin of shipment, destination of shipment and vehicle number.

(4) On any truck or tractor for which the licensed capacity is increased during the year an IMMEDIATE APPLICATION accompanied by the amount of the increase in regulatory fee is necessary. The commission will provide for amendment of the cab card accordingly.

(5) No refund will be made on unused stamps.

(6) Any "lost" stamps will be replaced only at full stamp and regulatory fee: *Provided, however,* That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(7) Each carrier shall obtain from the Washington Utilities and Transportation Commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements. Equipment which is used exclusively within the state, i.e., does not cross the state line, shall use the Washington Utilities and Transportation Commission prescribed identification cab card. Equipment which is used exclusively in interstate or foreign commerce which crosses the state line shall use the National Association of Regulatory Utility Commissioners uniform identification cab card. Equipment used in both types of operation may use either cab card, however it is recommended that the National Association of Regulatory Utility Commissioners uniform identification cab card be used. Upon receipt of stamps from the Commission, an identification cab card shall be duly completed by the carrier for each motive power unit and the appropriate stamp firmly affixed thereto. Such identification cab card shall be placed in the cab of each power unit in accordance with subsection (1).

(8) All identification cab cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However a stamp may be issued for the ensuing calendar year on or after the first day of November preceding, and may be used from the date of issue.

(9) When a permit is revised or extended, the commission will provide for appropriate amendment of the identification cab card accordingly.

(10) All delinquent stamp fees, regulatory fees, tariff fees and tariff maintenance fees which are due and payable by the carrier to the commission must be paid at the time application is made. The commission may refuse to issue identification stamps until all such fees are paid.

(11) Interstate operators whose vehicles are proportionally registered under chapter 46.85 RCW and who elect to use the "single document cab card" provided for by chapter 94, Laws of 1967 ex. sess., are subject to this rule only to the extent [extent] necessary, including ascertainment of payable stamp and regulatory fees.

(12) An identification cab card may be reassigned to a substituted vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee. [Statutory Authority: RCW 81.80.300 and 81.80.320. 78-12-088 (Order R-120, Cause No. TV-1172), § 480-12-130, filed 12/6/78; Order R-111, § 480-12-130, filed 11/23/77; Order R-76, § 480-12-130, filed 10/8/75; Order R-68, § 480-12-130, filed 9/25/74; Order R-65, § 480-12-130, filed 3/6/74; Order R-60, § 480-12-130, filed 11/28/73; Order R-52, § 480-12-130, filed 9/12/73; Order R-40, § 480-12-130, filed 12/6/72; Order R-34, § 480-12-130, filed 12/8/71; Order R-17, § 480-12-130, filed 2/3/70; Order R-5, § 480-12-130, filed 6/6/69, effective 10/9/69.]

WAC 480-12-180 Equipment--Drivers--Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a) (iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

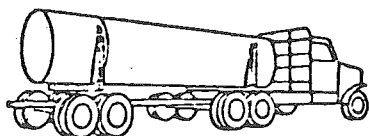
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

NOTE: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

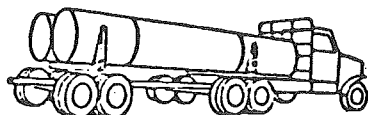
PLACEMENT AND NUMBER OF WRAPPERS

One log load



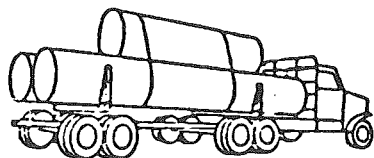
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



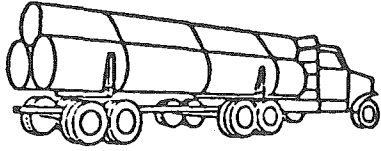
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



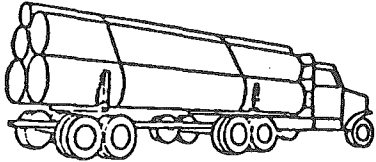
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



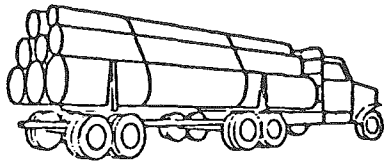
A minimum of three wrappers required.

Five or six log load
all logs seventeen feet or less



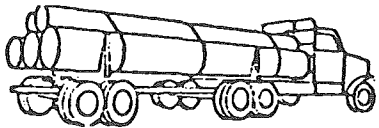
A minimum of two wrappers required.

Seven or more log load
all logs seventeen feet or less



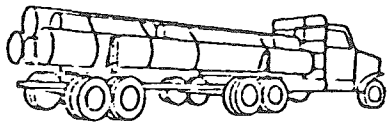
A minimum of two wrappers required.

Five or more log load
if any logs are more than seventeen feet



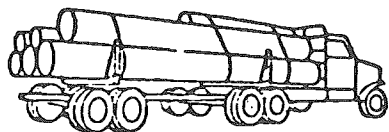
A minimum of three wrappers required.

Outside logs or top logs



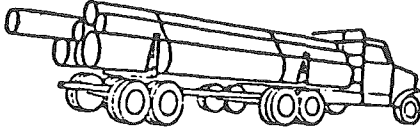
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



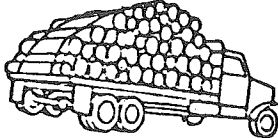
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

NOTE: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) Approved load fastening devices. The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Qualifications of drivers.** Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission", located in Olympia, Washington. [Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290. 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.]

WAC 480-12-190 Hours of service--On duty--Adoption of federal safety regulations. The rules and regulations adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 30, 1978 are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce,

shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be

on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply for those operations described in subsections (1) and (2) of this section to a regularly employed driver who drives wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records. [Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80.290. 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.]

WAC 480-12-195 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission. [Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.]

WAC 480-12-200 Accidents, reporting of. (1) Accidents occurring in this state arising from or in connection with the operations of any common, contract, or registered carrier operating in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and

required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission. [Statutory Authority: RCW 81.28.280, 81.28.290, and 81.80.130. 80-01-071 (Order R-138, Cause No. TV-1288), § 480-12-200, filed 12/24/79; Order R-5, § 480-12-200, filed 6/6/69, effective 10/9/69.]

WAC 480-12-285 Tariffs, distribution and cost of. Tariffs, with description and cost thereof are as follows:

Tariff No.	Territory	Cost per Tariff	
		Initial Charge	Annual Maintenance
3-B	Spokane Cartage	\$5.00	\$5.00
4-A	Special Commodities (State-wide)	5.00	10.00
5-A	General Freight West of Cascades	6.00	10.00
6-A	General Freight East of Cascades and between East and West	6.00	10.00
7-B	Bulk Petroleum Products	5.00	10.00
8	Olympic Peninsula	5.00	10.00
9	General Freight in King, Pierce, Snohomish & Thurston Counties	6.00	10.00
10	Mileage Circular	5.00	5.00
12	Local Areas	5.00	5.00
13	Bulk Commodities except Petroleum	5.00	10.00
14	Mobile Homes (Towaway)	5.00	5.00

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

Month Purchased	Fee Payable
January, February, March	In Full
April, May, June	Three-Quarters
July, August, September	One-Half
October, November, December	One-Quarter

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One of more single pages in any tariff will be supplied at five cents per page - minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission. [Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.]

WAC 480-12-990 Appendix A--Classification of brokers, forwarders and motor carriers of property.

APPENDIX A Classification of Brokers, Forwarders and Motor Carriers of Property

CLASSIFICATION CHART

The preceding page is a chart which outlines three steps taken in a breakdown of each motor carrier operation. These three steps are the analytical factors which are used to determine the carrier's classification. They include (1) type of carrier, (2) type of carrier's service, and (3) type of commodities transported. Each class is a composite of these three factors. The chart includes a symbol system through which class may be identified by code letter and number.

The first division of the chart identifies the type of operation, as fixed by chapter 81.80 RCW. There are five such types of property operators.

- Common carrier of property
- Contract carrier of property
- Forwarder or Broker of property transportation
- Private carrier of property
- Exempt carrier

The second division on the chart identifies the type of service in which the carrier is engaged as determined by:

- (a) Regular Route, Scheduled Service
- (b) Regular Route, NonScheduled Service
- (c) Irregular Route, Radial Service
- (d) Irregular Route, NonRadial Service
- (e) Local Cartage Service

The third division on the chart describes the type of commodities transported by the carrier. There are nineteen such commodity groups which are of sufficient importance at this time to warrant individual identification. Additional groups may be added as the need therefor is shown.

- (1) Carriers of General Freight
- (2) Carriers of Household Goods
- (3) Carriers of Heavy Machinery
- (4) Carriers of Liquid Petroleum Products
- (5) Carriers of Refrigerated Liquid Products
- (6) Carriers of Refrigerated Solid Products
- (7) Carriers Engaged in Dump Trucking
- (8) Carriers of Agricultural Commodities
- (9) Carriers of Motor Vehicles
- (10) Carriers Engaged in Armored Truck Service
- (11) Carriers of Building Materials
- (12) Carriers of Films and Associated Commodities
- (13) Carriers of Forest Products
- (14) Carriers of Mine Ores Not Including Coal
- (15) Carriers Engaged in Retail Store Delivery Service
- (16) Carriers of Explosives or Dangerous Articles
- (17) Carriers of Specific Commodities, Not Sub-Grouped
- (18) Carriers of Milk and Cream
- (19) Carriers of Livestock

The symbol system of code identification is derived from the foregoing three groups. Illustration: A common carrier may be engaged in transporting household goods over irregular routes in radial services. Such a carrier would be classed as a COMMON CARRIER Class C-2.

Appropriate definitions or explanations of each class or group appear on the following pages in the order shown above.

Types of Carriers

DEFINITIONS

RCW Section 81.80.010 (of the "Motor Carrier Act") defines carriers by motor vehicle and brokers and forwarders as follows:

MOTOR CARRIER

The term "motor carrier" means and includes "common carrier", "contract carrier", "private carrier" and "exempt carrier", as herein defined.

COMMON CARRIER

The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

CONTRACT CARRIER

The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined, and further shall include any persons who under special and individual contracts or agreements transport property by motor vehicle for compensation.

PRIVATE CARRIER

A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by him in good faith.

BROKER AND FORWARDER

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the State of Washington as brokers or forwarders.

EXEMPT CARRIER

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

Interpretation of Permits

Commodity descriptions and the right to serve certain routes or territories described in a carrier's permit where ambiguity exists shall be interpreted according to general custom and trade usage of the common carrier motor freight industry, and the usual Commission administrative practice.

Where the terms Olympic Peninsula, Eastern Washington, and Western Washington, and Southwest Washington are used in common or contract carrier permits, these terms shall define the territory embraced therein as follows:

OLYMPIC PENINSULA: The Olympic Peninsula area comprises all points in Clallam County, Jefferson County, Mason County (points north of an east-west line through Shelton only), Kitsap County, Vashon Island and the northern portion of Pierce County, north and west of Tacoma and Steilacoom.

EASTERN WASHINGTON and WESTERN WASHINGTON: The dividing line between Eastern Washington and Western Washington is the summit of the Cascade Range, which is also the county boundary, starting at the Canadian border and running south as far as Mt. Adams; from Mt. Adams running south to the Columbia River the dividing line shall be between the eastern boundary of Skamania County and the western boundaries of Yakima and Klickitat Counties.

SOUTHWEST WASHINGTON: Southwest Washington shall comprise all of Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis and Thurston Counties, and that portion of Pierce, Mason and Grays Harbor Counties lying south of a westerly extension of the King-Pierce County lines, extended directly west from Dash Point.

Types of Property Carrier Service

EXPLANATION

(A) REGULAR ROUTE, SCHEDULED SERVICE

A regular route scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes upon established or fixed schedules.

(B) REGULAR ROUTE, NONSCHEDULED SERVICE

A regular route nonscheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes at intermittent intervals and not upon an established or fixed schedule.

(C) IRREGULAR ROUTE, RADIAL SERVICE

An irregular route radial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes from a fixed base point or points to points or places located within such radial area as shall have been fixed and authorized by the Commission, or from any point located within such radial area to such carrier's fixed base point or points.

(D) IRREGULAR ROUTE, NONRADIAL SERVICE

An irregular route nonradial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes between points or communities located within such general territory as shall have been defined geographically and authorized in a permit, and any other points or communities located within the same general territory without respect to a hub community or a fixed base point of operation.

(E) LOCAL CARTAGE SERVICE

A local cartage carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation when such transportation is performed wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

Types or Groups of Commodities

EXPLANATION

(1) CARRIERS OF GENERAL FREIGHT

(a) This group comprises both common and contract carriers transporting general freight except such commodities as require special equipment or service.

(b) Common or contract carriers authorized to transport general freight prior to May 1, 1944 may transport any commodity without restriction as to type of equipment required or special service rendered.

(2) CARRIERS OF HOUSEHOLD GOODS AS A COMMODITY

Household goods carriers include carriers, both common and contract, engaged in the transportation of property commonly used in a household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usual in an office, museum, institution, hospital, or other similar establishment when a part of the stock, equipment, or supply of such office, museum, institution, hospital, or other similar establishment; furniture, fixtures, and equipment of a store; works of art, furniture, musical instruments, display exhibits, and articles requiring the specialized handling and special equipment usually employed in moving household goods.

NOTE: This type of carrier renders a specialized service requiring skilled workmen. Such special

service includes removing furniture from the higher stories of large office buildings when freight elevator service is not available, the proper placing of furniture in the home or office upon delivery at destination, the laying of rugs, hanging of pictures, and other services in connection with the removal of furniture or fixtures from one location to another. A household goods carrier is usually a Class C-2 operator, but such a carrier may be a Class D-2 operator. When the operation is that of a D-2 operator it embraces the transportation of household goods to, from and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

NOTE: For further definition of Household Goods see Administrative Ruling No. 7 dated December 10, 1959.

(3) CARRIERS OF HEAVY MACHINERY

This commodity group designates the transportation of heavy machinery or other articles which, because of their weight or size, require the use of special vehicle equipment for transportation, special equipment for loading or unloading, or specialized carrier-supplied auxiliary or accessorial services as described below.

The words "special equipment" as used in this definition mean equipment not ordinarily used in the loading, unloading or transportation of items defined in the other types or groups of commodities classified or customarily utilized by carriers of specific commodities.

This commodity description includes articles weighing in excess of 2,000 pounds each, such as prestressed concrete beams, heavy steel or iron ingots and bars, ships' propellers and anchors, structural steel, oil field rigs and oil field equipment. Items weighing less than 2,000 pounds may fall within this classification when their size or other nature requires the specialized services of these carriers or specialized equipment.

This commodity description does not, however, include aggregations of items not defined above, which have been bundled, palletized, or placed in bins, barrels or other containers, or otherwise aggregated, merely because of convenience, economy or industry preference; the classification does include articles which are aggregated when the aggregation is required by the inherent nature of the article and the aggregation actually constitutes the minimum shipping quantity or package for the article. Articles fall within this exception (1) when their inherent nature requires aggregation — e.g., when they are susceptible to damage if not so bundled — (2) when industry practice is to bundle in such quantities, and (3) when the aggregated bundle is of a size, weight,

or nature to require the specialized equipment or ancillary service that carriers of this classification customarily provide and which are not customarily provided by carriers of other commodities.

NOTE: These commodities are grouped together because of the equipment required for their transportation, loading or unloading or the nature of the services performed by the carriers. Certain auxiliary or accessorial services may be necessary in the transportation of these commodities, such as the dismantling and re-setting of machinery, often requiring use of rigging, skidding, or similar devices. A carrier of this classification may find that all of his facilities are employed for a considerable period of time in a locality which is only part of the territory in which he is authorized to serve. This type of carrier is usually a Class D-3 operator. The territorial scope of this service is usually similar to that of the household goods carrier. The movement involves and embraces transportation to, from, and between unlimited points of origin and destination within the territory served by such carrier over irregular routes.

(4) CARRIERS OF LIQUID PETROLEUM PRODUCTS

Carriers of liquid petroleum products include those carriers who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene, and like products in tank vehicles. Such vehicles include solo trucks, semi-trailers, and full-trailers. Carriers of butane, propane and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. The group also includes carriers of edible oils, coal tar products, and chemicals, if transported in tank vehicles but does not include the transportation of milk, fruit juices, or other perishable liquid products which require temperature control.

NOTE: Carriers who fall within this group may be either common or contract carriers. In either case the service involves special tank transport equipment.

(5) CARRIERS OF REFRIGERATED LIQUID PRODUCTS

This group comprises carriers, both common and contract, which specialize in the transportation of refrigerated or temperature controlled perishable liquid products, such as fruit juices and various beverages in tank vehicles, including solo trucks, semi-trailers, or full-trailers. Those liquid products such as milk which are classified in other commodity groups are not included in this class.

NOTE: The production area of fruit juices and beverages and the transportation of these products by tank truck is largely restricted to the territories where they are manufactured. While the shipments originate in a restricted area the

transportation is usually over long distances and requires operation both day and night. The matter of public health is particularly involved in this type of carriage in view of the nature of the commodity.

(6) CARRIERS OF REFRIGERATED SOLID PRODUCTS

This group includes that class of carriers, both common and contract, which engages in the transportation of commodities of a perishable nature, including fresh fish, meats and meat products, fruits and vegetables, dairy products, etc., requiring the use of special refrigeration or temperature control. It does not include refrigerated or temperature controlled liquid products, otherwise classified herein.

NOTE: Specially designed and constructed refrigerator equipment is usually necessary for this operation. Dry ice is often used. Extra care in handling shipments must be exercised on account of the danger of spoiling. This operation is the same as that of the ordinary general commodity carrier except as to refrigeration requirements.

(7) CARRIERS ENGAGED IN DUMP TRUCKING

This group includes both common and contract carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except garbage, cement in bulk, and coal.

NOTE: The operations of this group are usually carried on during the daytime and are local in character. The activities of carriers in this group are somewhat seasonal, especially in connection with building or construction projects. The value of the commodity hauled is usually low.

(8) CARRIERS OF AGRICULTURAL COMMODITIES

This group includes carriers engaged exclusively in the transportation of unmanufactured or unprocessed agricultural commodities including the return of empty containers. It does not include carriers of milk and cream or livestock, which is dealt with in a separate classification, regardless of the type of vehicle used, and does not include carriers engaged in the transportation of fruit juices or other processed agricultural commodities.

NOTE: While both common and contract carriers are included in this group, it is composed principally of irregular route radial service common carriers. Most commercial agricultural commodities are also handled as general commodities, especially when hauled in small lots as fruit, vegetables, produce, poultry, grains in sacks, etc. In some instances, special vehicle equipment is required for the movement of small grains in bulk, grass feeds, hay, etc.

(9) CARRIERS OF MOTOR VEHICLES

This group consists of motor carriers engaged in the transportation of new and used motor vehicles, including automobiles, trucks, trailers, chassis, bodies, and automotive display vehicles, wholly or partially assembled. In this group are included:

(a) Carriers engaged in the transportation of motor vehicles by truck away method, involving the use of special equipment such as trucks, tractors, trailers, semi-trailers, 4-wheel trailers, and various combinations of the above in or upon which such motor vehicles are loaded.

(b) Carriers engaged in the transportation of motor vehicles by driveaway method, involving the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single driveaway or in combinations of two or more vehicles by use of towbar mechanism, saddle or bolster mount mechanism, or any combinations of the above.

NOTE: The transportation of new automobiles, trucks, and trailers is usually a Class C-9 movement. The transportation of used automobiles, trucks, and trailers and new or used chassis, bodies and automotive display vehicles is usually a Class D-9 movement. In either case, the operation may be that of a common or contract carrier. When classified as a Class D-9 movement, the scope of the operation is territorial in character and includes the transportation of motor vehicles to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(10) CARRIERS ENGAGED IN ARMORED TRUCK SERVICE

This group includes motor carriers, either common or contract, which by reason of the commodity transported, i.e., gold, silver, currency, valuable securities, jewels and other property of very high value, use specially constructed armored trucks and provide police protection to safeguard the commodity while it is being transported and delivered. It also includes carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NOTE: This is a highly specialized type of service and is usually confined to larger cities and industrial areas. It is used by financial institutions for the transfer of funds including bullion, currency, valuable securities and jewels from dock to vault, pay rolls to industries, bank to bank, etc. It is frequently performed under a specific contract, although there are some carriers engaged in the service that hold themselves out as common carriers. Where the service is entirely local, the operation may be

regarded as local cartage within a municipality. Where routes or territory beyond a municipal area are served, the operation becomes that of an irregular route, radial carrier.

(11) CARRIERS OF BUILDING MATERIALS

This group includes carriers engaged in transporting any commodity which at the time of transportation is, without further processing or manufacture, in a form and condition to be used in the construction, modification or repair of a structure; which is at the time of the transportation intended with reasonable certainty to be so used; and which does not require the use of specialized equipment other than ordinary van or flatbed equipment. The classification does not include bulk sand, gravel, crushed stone or other building materials ordinarily transported in dump trucks.

Some articles can be transported under this classification without specific inquiry by the carrier as to their intended future use, provided the carrier does not at the time of movement have knowledge of an intended use other than as a building material. Such articles include (1) lumber, cut stone, slate, tile, brick, cement in sacks, plaster in sacks, or other similar materials usually transported on flatbed equipment; (2) any commodity designed especially for use in the construction, modification or repair of a structure and having virtually no other use; and (3) any commodity whose predominant use is as a building material.

Commodities having general utility in many lines of work may be transported under this classification providing the carrier affirmatively establishes before shipment that the commodity, at the time of movement is specifically intended, at the immediate or ultimate destination, to be used as a building material.

NOTE: Usually no special equipment is required, except in the case of the lumber hauler, who uses vehicles equipped with a special unloading device or that of the concrete hauler, who mixes en route. Most building materials can be and are hauled in small lots as general commodities. The movement of these commodities is usually in connection with a construction project, in truck loads, and for comparatively short distances. The transportation of lumber between manufacturing plants and from mill to retail yard is an important service rendered by carriers in this classification.

(12) CARRIERS OF FILMS AND ASSOCIATED COMMODITIES

This group, composed of both common and contract carriers, includes those carriers which are engaged in the transportation of motion-picture and sound-reproducing films, recording, reproducing, and amplifying devices, supplies and accessories for the operation of motion picture theaters or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits, such as are found in lobbies of motion picture theaters, and furnishing and supplies necessary in the

maintenance and operation of such theaters. This type of operation requires unusual delivery schedules and special personal service.

NOTE: This group is not authorized to engage in the transportation of general freight unless specifically so authorized in permit.

(13) CARRIERS OF FOREST PRODUCTS

This group includes both common and contract carriers engaged principally in the transportation of forest products, i.e., logs, poles, piling, fence posts, shingle bolts, pulp-wood, and fuel from the forest to processing plants or to market.

NOTE: In those areas where the timber is large, special truck equipment is required for the transportation of logs. Such equipment includes bunks, reaches, 2- and 4-wheel trailers, special braking arrangements, and other incidental special equipment. Similar equipment is also frequently used in the transportation of poles and piling. Ordinary vehicles are used to transport the other items referred to herein. This group does not include carriers who are engaged in the transportation of rough or finished lumber or processed products derived from raw forest products nor does it include such operations as are grouped under "carriers of building materials".

NOTE: For definition of short logs see Administrative Ruling No. 6 dated December 30, 1957.

(14) CARRIERS OF MINE ORES NOT INCLUDING COAL

This group comprises both common and contract carriers, engaged principally in the transportation of mining products in the rough, such as iron, copper, or other ores from the mine to the smelter or from the mine to bunkers located on the routes of connecting carriers. It also includes the transportation of products of smelters to refineries or foundries. It does not include coal or coal products or refined or manufactured products of ores which are classified herein under other groupings.

(15) CARRIERS ENGAGED IN RETAIL STORE DELIVERY SERVICE

This group includes carriers who render a specialized delivery service for retail store establishments. This service is usually confined to municipal areas, and where that is the case, may be regarded as a city cartage operation. In some instances, however, the service extends beyond municipal areas and in that case the operation may be classified in accordance with the service rendered.

(16) CARRIERS OF EXPLOSIVES OR DANGEROUS ARTICLES

Carriers of certain explosives or dangerous articles, except liquid petroleum products as described in commodity Group 4, and films as described in commodity

Group 12, are those carriers which engage in transporting dangerous, less dangerous, or relatively safe explosives, including nonexplosive materials such as fuses, cartridge cases, dummy cartridges, etc., inflammable oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and other acceptable dangerous articles other than inflammable liquids in tank vehicles.

NOTE: The transportation of the commodities classed in this group involves unusual hazards and requires special precautions in the matter of safety. The carriage is usually rendered under special agreement but is also rendered by common carriers when the volume of the movement is not sufficient to warrant a contract operation.

(17) CARRIERS OF SPECIFIC COMMODITIES, NOT SUB-GROUPED

Throughout the State there are individual truck operators who engage in the transportation of some specific commodity or commodities which do not fall within any of the commodity sub-groups included in this classification.

NOTE: Usually such transportation is carried on in conjunction with a local industry or local situation and is not of sufficient importance to warrant sub-grouping. In order to provide, however, for the general classification of such operations, miscellaneous commodity Group 17 has been included in this classification. The specific commodity or commodities transported by carriers who may be classified in this group are shown in the carrier's permit. Commodity Group 17 carriers will be the subject of further study and if need therefor is shown, additional commodity groups will be established from time to time from this miscellaneous group to meet the administrative requirements of the Commission.

(18) CARRIERS OF MILK AND CREAM

This group composed of both common and contract carriers includes those carriers who are engaged in the transportation of milk and cream, primarily from point of production to creameries and primary markets. It includes carriers of milk and cream regardless of the type of vehicle used.

(19) CARRIERS OF LIVESTOCK

The term livestock is defined to include, and carriers of livestock may transport, all cattle, swine, sheep, goats, horses, burros, asses, and mules, except such as are chiefly valuable for breeding, racing, show purposes or other special uses.

Exceptions to and Changes in Classification

These classifications and groupings are prescribed for general purposes. The operation of individual carriers may fall within more than one grouping, in which event

they become subject to the rules and regulations of each group into which they fall.

Any group of carriers, or any carrier member of a group, may, upon proper notice, petition the Commission to alter, amend, or otherwise modify any part of this classification or any grouping prescribed herein. Unless exceptions are specifically granted, the general rules and regulations of the Commission shall govern.

Emergencies

In case of emergencies or unforeseen conditions over which the motor carrier affected has no control, which require immediate and extraordinary treatment, the Commission may, without notice, modify, amend, suspend or vacate any or all classifications or groupings herein prescribed and substitute in lieu thereof such classification groupings or regulations as may be necessary during the period of such emergency. [Statutory Authority: RCW 81.80.120. 79-07-039 (Order R-124, Cause No. TV-985), § 480-12-990, filed 6/20/79; Order R-24, Appendix A (codified as WAC 480-12-990), filed 4/16/71; Order R-5, Appendix "A" Classification of brokers, forwarders and motor carriers of property, filed 6/6/69, effective 10/9/69.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

480-30-010	Definitions.
480-30-030	Certificates—Auto transportation companies.
480-30-035	Certificates—Private, nonprofit transportation providers.
480-30-110	Fees and gross operating revenue.

WAC 480-30-010 Definitions. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

- (2) The word "state" means the state of Washington.
- (3) The word "commission" means the Washington Utilities and Transportation Commission.
- (4) The word "certificate" means the certificate of public convenience and necessity authorized to be issued for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.
- (5) The term "public highway", when used herein, means every street, road or highway in this state.
- (6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.
- (7) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state between

fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town. The term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, or any other carrier which does not come within the term "auto transportation company" as defined by RCW 81.68.010.

The term "auto transportation company" shall not include commuter ride-sharing or ride-sharing for the elderly and the handicapped so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

(8) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

(9) The term "elderly" shall mean any person sixty years of age or older.

(10) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-010, filed 8/9/79; Order R-78, § 480-30-010, filed 10/15/75; Order R-5, § 480-30-010, filed 6/6/69, effective 10/9/69.]

WAC 480-30-030 Certificates--Auto transportation companies. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to

the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5) Every auto transportation company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

(6) All auto transportation companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

(7) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. No certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments, that may be presented to him within sixty days after the date of the transfer. The agreement herein provided must be included in the application to transfer. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection (8), must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

(8) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection (10).

(9) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection (10).

(10) Miscellaneous Fees:

Application for Certificate of Public Convenience and Necessity	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00

Application for issuance of a duplicate certificate 3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

(11) All applications for the issuance of a duplicate certification of public convenience and necessity must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

(12) Whenever an order is entered by the commission revoking a previous order granting a certificate of public convenience and necessary, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

(13) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington Utilities and Transportation Commission. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-030, filed 8/9/79; Order R-78, § 480-30-030, filed 10/15/75; Order R-50, § 480-30-030, filed 8/8/73; Order R-5, § 480-30-030, filed 6/6/69, effective 10/9/69.]

WAC 480-30-035 Certificates--Private, nonprofit transportation providers. (1) No private, nonprofit transportation provider may operate in this state without first having obtained from the commission a certificate to operate as such.

(2) Any right, privilege, or certificate held, owned, or obtained by a private, nonprofit transportation provider may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission.

(3) The commission shall issue a certificate to any corporation which files an application, as provided by the commission, which sets forth:

(a) satisfactory proof of status as a private, nonprofit corporation;

(b) the kind of service to be provided;

(c) the number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service and that drivers of such vehicles will be adequately trained and qualified;

(d) any proposed rates, fares, or charges;

(e) satisfactory proof of insurance or surety bond.

(4) The commission may deny a certificate to a provider who does not meet the requirements of this section.

(5) Each vehicle of a private, nonprofit transportation provider shall carry a copy of the provider's certificate.

(6) Every private, nonprofit transportation provider shall comply with all rules and regulations of chapter 480-30 WAC pertaining to auto transportation companies except when inconsistent with this section or when otherwise provided for.

(7) Any private, nonprofit transportation provider need not file with the commission a copy of a tariff showing fares, rates, or charges as required by WAC 480-30-050 when such are not levied.

(8) Any private, nonprofit transportation provider which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules as required by WAC 480-30-060. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-035, filed 8/9/79.]

WAC 480-30-110 Fees and gross operating revenue.

(1) Auto Transportation Companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission in duplicate a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24-.020; in no case shall the fee so paid be less than two dollars and fifty cents (\$2.50). Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. EXCEPTION: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "Gross Operating Revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "Independent Operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its FIXED CAPITAL ACCOUNTS.

For the purpose of reporting to the commission on quarterly reports the "Gross Operating Revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger Revenue.

R-2 Express and Baggage Revenue.

R-3 United States Mail and Other Operating Revenue.

R-1, Passenger Revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "Independent Operations", as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It

must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its FIXED CAPITAL ACCOUNTS dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used EXCLUSIVELY in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "Independent Operations".)

R-2, Express and Baggage Revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States Mail and Other Operating Revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States Government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are OWNED by the reporting company.

D—Rentals received from other transportation companies for the right to use stations OWNED by the reporting company, used in its auto transportation operations and included in the FIXED CAPITAL ACCOUNTS thereof.

E—Revenue received from advertising in stations and cars.

The total of above items R-1, R-2 and R-3 will constitute "Total Gross Operating Revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and Rule 62.

Nonoperating Revenue: Is that revenue received as a return on property OWNED by the reporting company, the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "Auto Transportation" or "Independent" operations. Principal items:

A—Revenue received from other Auto Transportation Companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the FIXED CAPITAL ACCOUNTS of the reporting company's certified or independent operations.

Independent Operations: Revenue from "Independent Operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such Auto Transportation Company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "Independent Operations" are kept separate and apart from the accounts of the company's certified operations. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.]

Chapter 480-62 WAC

RAILROAD COMPANIES--OPERATIONS

WAC

480-62-010	Locomotive speedometers.
480-62-020	Traffic control devices.
480-62-030	Flagpersons.
480-62-040	Exemption.
480-62-050	Passenger carrying vehicles—General.
480-62-060	Passenger carrying vehicles—Equipment.
480-62-070	Passenger carrying vehicles—Operation.
480-62-080	Accident reports.

WAC 480-62-010 Locomotive speedometers. (1) Filing Required. On or before July 1, 1978, every railroad designated Class I by the Interstate Commerce Commission operating locomotive equipment within the state of Washington, shall file with the commission a list identifying all points within the state at which facilities are available for the calibration, repair or replacement of locomotive speedometers, or locomotive equipment may be available for substitution. Any changes therein shall be promptly reported to the commission to the end that the list be kept at all times current.

(2) Records. Reports of speedometers which are out of calibration to the extent of five miles per hour or more shall be made in writing, and shall be submitted at the first point within the state at which repair facilities are available or locomotive equipment with a properly calibrated speedometer may be substituted. Any such report and a record of any action taken by the railroad company in response thereto shall be maintained at the office of the division in which the report was originally filed. In addition to the foregoing, at each location in the state of Washington at which work is performed upon a locomotive speedometer, complete records shall be maintained showing the locomotive number, serial number, if any, of the speedometer, calibration data, and detail of any defect found and repair work performed. The

records required to be kept shall be maintained for a period of not less than one year. [Statutory Authority: RCW 80.01.040(4) and 81.44.031(5). 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-010, filed 4/26/78.]

WAC 480-62-020 Traffic control devices. Whenever any railroad company engages in the construction, maintenance, or repair of a crossing or overpass, traffic control devices installed and maintained in accordance with the requirements of chapter 168, Laws of 1977 ex. sess., shall be in conformity with Part I, Part II-A, and Part VI of the currently effective Manual on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator as a national standard for application on all classes of highways, all of which are hereby adopted by reference as if set out in full, together with all subsequent additions, deletions, or amendments thereto. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-020, filed 4/26/78.]

WAC 480-62-030 Flagpersons. (1) **Qualifications and Equipment.** Since flagpersons are responsible for human safety and make the greatest number of public contacts of all construction personnel, it is important that qualified personnel be selected. Flagpersons shall, as a minimum, be of average intelligence; in good physical condition, including sight and hearing; be mentally alert; have a courteous but firm manner; be of neat appearance; and have sense of responsibility for safety of public and crew.

The use of an orange vest, and/or an orange cap shall be required for flagpersons. For nighttime conditions similar outside garments shall be reflectorized.

Flagpersons are provided at work sites to stop traffic intermittently as necessitated by work progress or to maintain continuous traffic past a work site at reduced speeds to help protect the work crew. For both of these functions the flagperson shall, at all times, be clearly visible to approaching traffic for a distance sufficient to permit proper response by the motorist to the flagging instructions, and to permit traffic to reduce speed before entering the work site. In positioning flagpersons, consideration shall be given to maintaining color contrast between the flagperson's protective garments and his or her background.

(2) **Hand Signaling Devices.**

(a) **General.** Red flags or STOP/SLOW paddles or lights may be used in controlling traffic through work areas.

(b) **Flags.** Flags may be used only during daylight hours and shall be a minimum of 24 by 24 inches in size, made of a good grade of red material securely fastened to a staff approximately 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically, even in heavy winds.

(c) **Sign Paddles.** Sign paddles shall be at least 24 inches wide, with 6 inch series C letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet metal or other light semirigid material.

The background of the STOP face shall be red with white letters and border. The background of the SLOW shall be orange with black letters and border. When used at night the STOP face shall be reflectorized red with white reflectorized letters and border, and the SLOW face shall be reflectorized orange with black letters and border.

(3) **Flagging Procedures.**

(a) To stop traffic the flagperson shall face traffic and extend the flag horizontally across the traffic lane in a stationary position so that the full area of the flag is visible hanging below the staff. For greater emphasis, the free arm may be raised with the palm toward approaching traffic.

(b) When it is safe for traffic to proceed the flagperson shall stand parallel to the traffic movement, and with flag and arm lowered from view of the driver, motion traffic ahead with his or her free arm. Flags shall not be used to signal traffic to proceed.

(c) To alert or slow traffic by means of flagging, the flagperson shall face traffic and wave the flag in a sweeping motion of the arm across the front of the body without raising the arm above a horizontal position.

If a sign paddle is used, it shall be held in a stationary position with the arm extended horizontally away from the body.

Whenever practicable, the flagperson should advise the motorist of the reason for the delay and the approximate period that traffic will be halted. Flagpersons and operators of construction machinery or trucks should be made to understand that every reasonable effort must be made to allow the driving public the right-of-way and prevent excessive delays. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-030, filed 4/26/78.]

WAC 480-62-040 Exemption. WAC 480-62-020 and 480-62-030 shall not apply to construction, maintenance, or repair of crossings or overpasses situated within cities having a population in excess of 400,000. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-040, filed 4/26/78.]

WAC 480-62-050 Passenger carrying vehicles--General. In addition to complying with any applicable equipment requirements of Title 46 RCW, including but not limited to those relating to motor vehicle lights and reflectors, horns, braking systems, exhaust systems, tires, warning and signaling devices, and windshield wipers, all of which are hereby adopted as minimum standards, every passenger carrying motor vehicle owned, operated and maintained by any railroad company in this state used for the purpose of transporting railroad employees other than in the cab thereof, shall, as a minimum, be in conformity with the equipment specified in WAC 480-62-060 and operated in a manner consistent with WAC 480-62-070. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-050, filed 4/26/78.]

WAC 480-62-060 Passenger carrying vehicles--Equipment. (1) Passenger Compartment. Any passenger compartment separate from the cab of the vehicle shall be of metal construction fastened directly to the frame of the vehicle and not to the surface of the bed thereof. It shall be equipped with an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor shall be of substantial construction, free from unnecessary openings and shall be maintained so as to prevent the entry of noxious fumes or permeation with flammables of any variety. Such passenger compartments shall also be equipped with a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and with a tailgate which must be closed at all times that the vehicle is in motion. Truck equipment having a bed in excess of three feet six inches above ground level shall be equipped with permanent or temporary steps designed for safe boarding and discharge of passengers.

(2) Communication Devices. Communication between a cab and a separated passenger compartment shall be provided by means of a light or audible device mounted in the cab of the vehicle which may be activated by an employee in the rear compartment.

(3) Coupling Devices. Coupling devices used on any passenger carrying vehicle equipped with retractable flange wheels for operation on railroad tracks shall be of substantial metal construction and shall be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(4) Exhaust Systems. Exhaust systems shall be designed and maintained so as to eliminate exposure of passengers to toxic agents.

(5) Rear Vision Mirrors. Passenger carrying vehicles shall be equipped with two external rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so located as to accord the driver a view of the highway to the rear along both sides of said vehicle: *Provided*, That only one outside mirror shall be required, which shall be on the driver's side, on vehicles which are so constructed that the driver has a view to the rear by means of an interior mirror.

(6) Steering Mechanisms. All passenger carrying vehicles will be equipped with a steering system which is maintained to insure that lash or preplay do not exceed those values set forth in Title 49, CFR 570.7 and 570.60 (Vehicle in Use Inspection Standards).

(7) Heating Systems. Passenger carrying vehicles shall be equipped with a heating system sufficient to maintain an ambient temperature of no less than 55 degrees in passenger areas.

(8) Road Warning Devices. All passenger carrying vehicles will be equipped with at least three red-burning fuses, or three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in the event of an emergency. It shall be the responsibility of the driver to assure that such equipment is in the vehicle and is maintained in good condition. Any devices which may create a spark or open flame shall be carried in a separate compartment or a closed metal container provided for that purpose.

(9) Emergency Exits. On vehicles designed to transport nine or more passengers, an emergency exit of not less than six and one-half square feet in area, with the smaller dimension being not less than eighteen inches, shall be placed at the end of the vehicle opposite the regular entrance. The route to and from the emergency exit shall be at all times unobstructed.

(10) Fire Extinguishers. Every passenger carrying vehicle must be equipped with a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located so as to be readily accessible for use. Such extinguisher must be designed, constructed, and maintained so as to permit visual determination of the state of its charge. The extinguishing agent shall be nontoxic and preferably noncorrosive, and the fire extinguisher shall be suitable for attachment to the motor vehicles, shall bear the label of approval by the Underwriters Laboratories, Inc., and shall be kept in good working condition at all times.

(11) First Aid Kits. All passenger carrying vehicles shall be equipped with a first aid kit which will be readily accessible and shall contain as a minimum the following items: (1) one package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll, two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first aid book or adequate printed first aid instruction; (8) one package burn ointment or other burn compound; (9) some form of anti-septic, the type of which will be left to the judgment of the railroad company. Items used from first aid kits shall be replaced before the next shift, and kits shall be checked for compliance with the above specifications if the seal on the kit is broken. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-060, filed 4/26/78.]

WAC 480-62-070 Passenger carrying vehicles--Operation. (1) General. All passenger carrying motor vehicles shall at all times be operated in accordance with the requirements of state law, and no driver or operator thereof shall operate the same in any other than a careful and prudent manner nor at any greater speed than is reasonable and proper, having due regard to circumstances and to the use of highways by others, so as not to endanger the life and limb of any person.

(2) Minimum Age, Skill, and Physical Condition of Drivers. Drivers or operators of passenger carrying vehicles shall be not less than eighteen years of age and shall have demonstrated the physical capability of handling the controls of the vehicle with ease. Such drivers must obtain and maintain in effect and carry on their persons at all times while operating a passenger carrying vehicle either a valid Washington state driver's license or a valid

license from the state of the driver's residence. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver shall be required to have such license or endorsement.

(3) Driver's Daily Hours of Service. No driver or operator of any passenger carrying motor vehicle shall be permitted to or required to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.

(4) Refueling. No driver or any employee of a railroad company operating within the state shall (a) fuel a passenger carrying vehicle with the engine running; (b) smoke or expose any flame in the vicinity of a vehicle being fueled; (c) fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (d) insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) Driving rules.

(a) Drivers of passenger carrying motor vehicles shall bring such vehicles to a full stop not less than fifteen feet of any grade crossing of any railroad before crossing the tract. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or traffic control signal is directing traffic to proceed.

(b) No driver or operator of any passenger carrying motor vehicle shall drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with the gears in neutral or the clutch disengaged.

(d) At the beginning of his or her use of passenger carrying vehicles, the driver or operator thereof shall make a brake test immediately before, and immediately after the vehicle commences moving to ascertain that the brakes are functioning properly.

(6) Loading and Carrying of Passengers. Drivers or operators of passenger carrying vehicles are in charge of the vehicle and shall require passengers to observe vehicle rules. Passengers will not be permitted to enter or exit from the vehicle while it is in motion, or to ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle they shall be stored in enclosed racks or boxes which shall be properly secured to the vehicle in order to prevent their striking employees in the event of sudden starts, stops, or turns. It shall be the responsibility of the driver to assure that tools and materials are properly secured before moving the vehicle.

(7) Limitation on Transportation of Explosives, Gasoline, and Other Hazardous Materials on Passenger Carrying Vehicles. Explosives other than track torpedoes

and fuses shall not be carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes or fuses are carried in a passenger carrying vehicle, they shall be carried in a separate compartment or container provided for that purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammables when such flammables are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums shall be properly secured while being transported, and shall be located so as not to interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials shall not be parked within 300 feet of an open fire. Smoking shall be prohibited within 50 feet of the vehicle carrying explosive or flammable materials. [Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-070, filed 4/26/78.]

WAC 480-62-080 Accident reports. (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

(a) Death of a railroad employee, rail passenger or any other person;

(b) Death of or injury to any person involved in a railway-highway crossing accident;

(c) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the commission.

(3) Each report must state the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the accident and/or incident;

(d) Circumstances of the accident and/or incident;

(e) Identity of casualties, if any; and

(f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred. [Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.]

**Chapter 480-80 WAC
UTILITIES GENERAL--TARIFFS**

WAC
480-80-125 Notice by utility to customers concerning hearing.

WAC 480-80-125 Notice by utility to customers concerning hearing. (1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the date of the utility's filing with the commission, the amount of the proposed increase expressed in both total dollars and average percentage terms, the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills mailed by the utility to its customers; starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation; as an alternative the utility may make a separate first class mailing of the statement within thirty days following the date of the issuance of the order instituting investigation. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

**BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Cause No. ---

(Name of company) filed with the Washington Utilities and Transportation Commission (date) tariffs designed to increase its gross revenue in the approximate amount of \$ ----- on an annual basis. The percentage increase in annual gross revenue approximates ----- %. (In instances in which the filed tariffs pertain to a single general category or subcategory of service, the dollar and percentage amounts shall relate to that category of service and the category of service shall be identified.) The commission has suspended the operation of the filed tariffs and will hold public hearings on the matter.

The commission has directed that this notice be given stating:

(1) Specially designated hearing or hearings will be held by the commission in order to accommodate members of the public who may wish to testify.

(2) A public counsel will be appointed to represent the public. The address of the commission may be used for inquiries of the public counsel.

(3) Any member of the public wishing to be notified by the commission as to the date or dates that such specially designated hearing or hearings will be held should advise the commission in writing of that fact and state his or her mailing address. The commission, when such date or dates are set, will see that a notice of such hearing or hearings is mailed to each person who makes such request.

The mailing address of the commission is Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504.

(Name of company)
(Name of individual)
(Title of individual)

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.]

**Chapter 480-90 WAC
GAS COMPANIES--OPERATIONS**

WAC	
480-90-201	Prohibited fixtures.
480-90-206	Exemptions fixtures.
480-90-216	Prohibited service.
480-90-221	Exemptions--Prohibited service--Lighting of historical significance.
480-90-226	Exemptions--Prohibited service--Memorial lighting.
480-90-231	Exemptions--Prohibited service--Commercial lighting of historical significance.
480-90-241	Exemptions--Prohibited service--Safety of persons and property.
480-90-246	Exemptions--Prohibited service--Substantial expense.
480-90-251	Exemptions--Prohibited service--Public interest.
480-90-256	Exemptions--Stays.
480-90-261	Temporary exemption--Time to install substitute lighting.

480-90-266	Utility to notify customer.
480-90-271	Petitions for exemption.
480-90-276	Action for failure to comply.
480-90-281	Procedure for unknown prohibited use.
480-90-286	Failure of utility to comply.

WAC 480-90-201 Prohibited fixtures. A utility is prohibited from installing or replacing a natural gas outdoor lighting fixture for any customer after November 9, 1978, unless such fixture(s) was installed prior to November 9, 1978, and an exemption has been granted pursuant to WAC 480-90-221, 480-90-226, or 480-90-231. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-201, filed 11/7/79.]

WAC 480-90-206 Exemptions fixtures. Any federal, state, local government agency, historical association or any interested person using natural gas for outdoor commercial lighting of historical significance may petition the Washington utilities and transportation commission for an exemption from the prohibition set forth in WAC 480-90-201 but only as to exemptions covered by WAC 480-90-221, 480-90-226, and 480-90-231. An exemption shall only be granted for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978, and where a petition is filed for exemption pursuant to WAC 480-90-221 or 480-90-231. Such replacement shall include:

(1) Replacement of an extant original or reproduction fixture; or

(2) Installation of an original or reproduction fixture to replace a fixture which existed during the life of the specified historic property.

Where an exemption is requested pursuant to WAC 480-90-226, then such replacement shall include replacement of an extant fixture only. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-206, filed 11/7/79.]

WAC 480-90-216 Prohibited service. A utility is prohibited from providing natural gas to a nonresidential customer when the end use of all or part of that service is to provide natural gas for outdoor gas lighting unless an exemption has been granted to such customer by the commission. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-216, filed 11/7/79.]

WAC 480-90-221 Exemptions--Prohibited service--Lighting of historical significance. A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 for any property on the basis that the outdoor lighting is of historical significance or of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be

granted upon a finding that the specifically identified property or district:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended) applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or

(2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B) and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-221, filed 11/7/79.]

WAC 480-90-226 Exemptions--Prohibited service--Memorial lighting. A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of memorial lighting. Petitioner shall certify that the specifically identified outdoor lighting fixture(s) directly contributes to preserving the memory of a deceased person or persons and an exemption shall be granted upon such a finding by the commission. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-226, filed 11/7/79.]

WAC 480-90-231 Exemptions--Prohibited service--Commercial lighting of historical significance. Any interested person using natural gas outdoor lighting for commercial purposes may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis that the outdoor lighting is of historical significance or is of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended), applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or

(2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior,

pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B), and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-231, filed 11/7/79.]

WAC 480-90-241 Exemptions--Prohibited service--Safety of persons and property. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that:

(1)(a) Compliance with the prohibition would significantly increase the chance of bodily injury or damage to property; or

(b) Compliance with the prohibition would significantly increase the chance of the occurrence of crime; or

(c) The lighting is necessary because other existing lighting does not provide lighting adequate to ensure conformance with American National Standards Institute (ANSI) Standard No. D 12.1. "The American National Standard Practice or Roadway Lighting;" and

(2)(a) Would impose a substantial hardship on a person other than a local distribution company, a pipeline company, or a company that manufactures or supplies natural gas outdoor lighting fixtures, in terms of personal income or savings; or

(b) Would not be justified by the savings likely to be accrued over the useful life of the substitute lighting facility. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-241, filed 11/7/79.]

WAC 480-90-246 Exemptions--Prohibited service--Substantial expense. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of substantial expense which would not be cost justified, if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that compliance with the prohibition set forth in WAC 480-90-216 would substantially and negatively affect the profit margin, return on investment, or rates of a local distribution company and an exemption shall be granted upon a finding to this effect. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-246, filed 11/7/79.]

WAC 480-90-251 Exemptions--Prohibited service--Public interest. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the public interest and consistency with the purposes of the Power Plant and Industrial Fuel Use Act of 1978, if such natural gas was being

supplied on November 9, 1978. Petitioner shall certify that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas and upon a finding to this effect an exemption shall be granted. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-251, filed 11/7/79.]

WAC 480-90-256 Exemptions--Stays. The filing of a petition for exemption shall result in a stay from the prohibition set forth in WAC 480-90-216. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-256, filed 11/7/79.]

WAC 480-90-261 Temporary exemption--Time to install substitute lighting. A local distribution company or an interested person using natural gas outdoor lighting may petition the commission for a temporary exemption from the prohibition set forth in WAC 480-90-216. Petitioner shall certify that:

(1) No adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective; and

(2) The time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

Upon a finding to that effect, a temporary exemption will be granted. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-261, filed 11/7/79.]

WAC 480-90-266 Utility to notify customer. The utility shall immediately notify in writing each nonresidential customer known to the utility who uses natural gas for outdoor gas lighting and inform that customer of the prohibition in WAC 480-90-201 and 480-90-216. The utility shall also inform the customer of the exemptions available as well as the criteria for each exemption and the procedures for filing an exemption pursuant to WAC 480-90-271. Within fifteen days of mailing the notification to the customers, the utility shall submit the names of these customers to the commission as well as the addresses and dates of mailing. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-266, filed 11/7/79.]

WAC 480-90-271 Petitions for exemption. The nonresidential customer may file a petition with the commission certifying to the criteria set forth in the appropriate exemption within forty-five days of receipt of notification by the utility. The commission upon receipt of such petition shall forward a copy to the utility serving that customer. Should additional information be required of either the customer or the utility, those parties shall be notified by the commission. The commission shall then grant or deny the petition for exemption and shall inform the customer and utility of its decision.

[Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-271, filed 11/7/79.]

WAC 480-90-276 Action for failure to comply. If the commission denies a petition for exemption, the utility shall allow a reasonable time for the nonresidential customer to discontinue the use of natural gas outdoor lighting, arrange for substitute lighting, or file a petition pursuant to WAC 480-90-261. In the event that the customer takes no such action within a reasonable time, the service will be deemed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071.

If the customer fails to petition for exemption and fails to discontinue the use of natural gas for outdoor lighting, the service will be assumed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-276, filed 11/7/79.]

WAC 480-90-281 Procedure for unknown prohibited use. In the event a utility is notified or becomes aware of an alleged prohibited use of outdoor natural gas lighting by a nonresidential customer who has not received notification pursuant to WAC 480-90-266, it shall institute an investigation and if it is found that there is a prohibited use, the utility shall immediately start notification procedures pursuant to WAC 480-90-266. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-281, filed 11/7/79.]

WAC 480-90-286 Failure of utility to comply. The failure of a utility to comply with these rules will subject that utility to imposition of penalties in accordance with the provisions of RCW 80.04.405. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-286, filed 11/7/79.]

Chapter 480-120 WAC TELEPHONE COMPANIES

WAC

480-120-021	Glossary.
480-120-056	Deposits.
480-120-081	Discontinuance of service.
480-120-088	Automatic dialing-announcing devices.
480-120-121	Responsibility for delinquent accounts.

WAC 480-120-021 Glossary. Applicant – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device – any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area – the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office – a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission – the Washington Utilities and Transportation Commission.

Customer – user not classified as a subscriber.

Exchange – a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area – the specific area served by, or purported to be served by an exchange.

Farmer line – outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telephone utility for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station – a telephone instrument installed and in use on a farmer line.

Outside plant – the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station – a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission. [Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-021, filed 9/18/79. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-021, filed 2/28/79; Order R-25, § 480-120-021, filed 5/5/71.]

WAC 480-120-056 Deposits. (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors, subject to the provisions of subsection (3) of this section:

(a) Prior service with the utility in question during the next previous twelve months for at least six consecutive months during which service was not disconnected for failure to pay and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (1)(a) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment or regular source of income during the entire twelve months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit—Nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other telephone company; or where two or more delinquency notices have been served upon the applicant by any other telephone company during the twelve months previous to the application for service.

(c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.

(d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with

checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other telephone company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable ten days after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, within five days after service is accomplished.

(4) Amount of deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings.

(b) Subscribers whose toll charges exceed the estimated amount by twenty dollars or by twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.

(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon a new or revised estimate of two-twelfths of estimated annual billings.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(d) At the time application is made for service, the utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.

(5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any

past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.

(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(7) Interest on deposits. Interest on deposits held shall be accrued at the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9), alternative to deposit, of this section.

(9) Alternative to deposit. A subscriber or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated service charges at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The subscriber shall then be billed in a normal fashion.

(10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

(11) Refund of deposit. Deposits shall be refunded under the following circumstances and in the following form:

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

(i) The utility has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.

(c) Refunds - How made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the

form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the subscriber at the time of deposit, or as thereafter modified.

(12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule. [Statutory Authority: RCW 80.04.060, 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71.]

WAC 480-120-081 Discontinuance of service. (1) By subscriber - A subscriber shall be required to give notice to the utility of his intention to discontinue service.

(2) By utility - Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the utility's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility.

(e) For violation of rules, service agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided, however,* That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.

(4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due

and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

(5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.

(6) Service shall be restored when the causes of discontinuance, other than nonpayment, have been removed and when payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection. A utility may not condition providing service to an applicant upon satisfaction of any obligation to the utility incurred while the applicant was a subscriber receiving service from the utility.

(7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of

bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection. [Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71.]

WAC 480-120-088 Automatic dialing-announcing devices. An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:

(1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or

(2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:

(a) States the nature and length in minutes of the recorded message; and

(b) Identifies the caller and the individual, business, group, or organization for whom the call is being made; and

(c) Asks the called party whether he or she is willing to listen to the recorded message; and

(d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message.

(3) Provision is made to preclude the dialing of designated public service emergency telephone numbers as listed in published telephone directories.

Before an ADAD may be operated while connected to the telephone network, the potential user of such device shall notify the telephone utility in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message.

The telephone utility shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five

days' notice to the subscriber. If use of the ADAD creates overloading in a telephone company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

No ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to designated public service emergency numbers or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.

The telephone utility may suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given five days' notice or with no prior notice if use of the ADAD creates overloading in a telephone company switching office. [Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-088, filed 2/28/79.]

WAC 480-120-121 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or subscriber, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or subscriber, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud. [Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-121, filed 9/18/79; Order R-25, § 480-120-121, filed 5/5/71.]

Chapter 480-130 WAC STORAGE WAREHOUSE COMPANIES

WAC
480-130-050 Warehouse receipts—Liability.

WAC 480-130-050 Warehouse receipts—Liability.

(1) Warehouse receipts shall be issued by all warehousemen and must comply with the requirements of the "Uniform Warehouse Receipts Act", chapter 62A.7 RCW.

(2) All receipts for the storage of household goods shall show in conspicuous type whether or not the property for which the receipt has been issued is insured, for the benefit of the depositor, against fire or any other casualty.

(3) Unless higher values are declared and specified on the warehouse receipt and rates applicable to the higher declared value are paid, all warehouse receipts for the storage of household goods shall state on the face that the warehouseman's liability for loss or damage is not for full actual value but is based upon a per pound value, the amount of which is provided in the applicable tariff

and said amount shall be shown on the receipt. This statement shall be printed in bold or conspicuous type.

(4) Where warehousemen provide for "self-storage container rental," a warehouse receipt shall not be required. Self-storage container rental shall provide that a person, firm, or corporation may agree to lease from the warehouseman a self-storage container. Such agreement between the warehouseman lessor and the lessee shall be in writing and shall provide

(a) for a fixed rental of the container for a stated period of time,

(b) for a security deposit if required,

(c) for identification of storage container and address of warehouse location,

(d) for access by the lessee to container at agreed charges and upon reasonable advance notice to the lessor,

(e) for a release of all liability to the warehouseman lessor (other than for loss or damage caused by fault or negligence of the lessor),

(f) for appropriate provisions to secure a lien for payment of monthly charges and costs of foreclosure of such lien,

(g) that lessee must provide his own insurance, if any, for loss or damage not caused by fault or negligence of the lessor and,

(h) for such additional terms and conditions as the parties may desire to include in the lease agreement. [Statutory Authority: RCW 81.92.090. 79-11-027 (Order R-134, Cause No. TSW-1272), § 480-130-050, filed 10/10/79; Order R-5, § 480-130-050, filed 6/6/69, effective 10/9/69.]

Chapter 480-146 WAC

COMMISSION GENERAL--SECURITIES, LIENS, AFFILIATED INTERESTS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

WAC 480-146-095 Form of lease application.

WAC 480-146-095 Form of lease application. Applications for approval of the terms of a lease of utility facilities by a public service company, as lessee pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess., shall be submitted in the following form with such modifications as the circumstances may render necessary:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION of (here insert name of applicant) FOR AN ORDER APPROVING THE LEASE OF UTILITY FACILITIES

No. -----
(Number to be inserted by Secretary of the Commission)

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess.

GENERAL INFORMATION

Here submit the general information required under Items Nos. 1 to 9, inclusive, of the application form under WAC 480-146-080.

EXHIBIT "A"

A statement by applicant certifying that the requested authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of a date not prior to the last day of the third month preceding that in which the application is filed, and a pro forma balance sheet as of the same date giving effect to the proposed lease. Indicate separately the amount of intangibles and the amount reflected in Plant Acquisition Adjustment account if such items are included in Fixed Capital or Utility Plant accounts of the balance sheet.

EXHIBIT "B-1"

(a) Detailed income and profit and loss statement for the twelve months ended as of the date of the balance sheet submitted as EXHIBIT "B".

(b) Reconciliation of the retained earnings account for the period covered by the income and profit and loss statement. Retained earning should be segregated from other surplus accounts.

EXHIBIT "C"

- 1. A description of the property which is to be leased.
- 2. The historical or original cost thereof and the related accrued depreciation therein. (Estimated in both cases if actual amounts are not known.)
- 3. The amount of contributions in aid of construction.
- 4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts, not set forth in preceding exhibits as, in the opinion of applicant, may be pertinent to the application.

WHEREFORE, the undersigned applicant requests that the Washington Utilities and Transportation Commission make its order granting to such applicant its application, as provided for in chapter 125, Laws of 1979 1st ex. sess.

DATED at _____, this _____ day of _____, 19--

(Applicant)

By _____ Title _____

STATE OF WASHINGTON } ss. County of _____ }

_____, being first duly sworn, deposes and says that he is _____ (Title) of _____, the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this _____ day of _____, 19--

Notary Public in and for the State of Washington, residing at _____

[Statutory Authority: RCW 80.01.040(4) and 80.04-.160. 79-11-028 (Order R-135, Cause No. U-79-54), § 480-146-095, filed 10/10/79.]

Chapter 480-149 WAC TARIFF CIRCULAR NO. 6

WAC 480-149-120 Notice required.

WAC 480-149-120 Notice required. (1) Unless two copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

(2) The following tariffs may be filed on one day's notice to the commission and to the public:

(a) Providing for the opening or closing of navigation or traffic on rivers, harbors, lakes, highways or roads of the state.

(b) Providing for the movement of circuses.

(c) Providing rates for new lines or extensions of lines or service not heretofore covered by any similar form of

transportation or service or not competitive with any similar form of transportation or service.

If the new line, extension or service is covered by any form of transportation or service, and/or is competitive therewith, the tariff or supplement so filed, must provide the same rates or fares as those of the existing company unless full statutory notice is given prior to the beginning of operations.

(d) Adoption, suspension or vacating supplements as provided for in WAC 480-149-110.

(e) Excursion passenger tariffs as provided for in WAC 480-149-070(1).

(3) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than thirty days' notice. Application for such authority must be on a form supplied by the commission. On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington Utilities and Transportation Commission, number _____ of _____ (date) _____, or by authority of Rule _____ W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No. _____.

(4) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal of garbage, refuse, and debris, such carrier shall at the same time, or prior thereto, notify affected customers that a tariff of increased rates and charges is being filed with the Washington Utilities and Transportation Commission, Olympia, Washington, proposed to become effective on a particular date. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail or delivered to their premises. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504 not later than fourteen days from the date of the notice. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above. [Statutory Authority: RCW 80.01.040 and 81.77.030. 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]