Title 480 WAC
UTILITIES AND TRANSPORTATION COMMISSION

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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

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

Office	Address	Office Hours
(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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480-08-300 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 by 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 prehearing 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, waybills, 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. Intervenors 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 introducted [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 480-10 WAC
RULES IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

WAC

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WAC 480-10-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.110. [Order R-81, § 480-10-010, filed 5/12/76.]

WAC 480-10-020 Purpose. (1) The purpose of this chapter is to establish guidelines interpreting and implementing the state environmental policy act of 1971 (SEPA).

(2) These guidelines were developed to establish methods and means of implementing SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines are not intended to govern compliance by the commission with respect to the national environmental policy act of 1969 (NEPA). In those situations where the commission is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these guidelines. [Order R-81, § 480-10-020, filed 5/12/76.]

WAC 480-10-025 Scope and coverage of this chapter. (1) It is the intent of the commission that compliance with this chapter will constitute complete procedural compliance with SEPA for any "action" as defined in WAC 480-10-040(2).

(2) This chapter does not address the issue of the substantive effect that the enactment of SEPA has upon commission decision-making. [Order R-81, § 480-10-025, filed 5/12/76.]

WAC 480-10-030 Integration of SEPA procedures with other governmental operations. To the fullest extent possible, the procedures required by these rules will be integrated with existing planning and licensing procedures utilized by the commission. These procedures will be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort. [Order R-81, § 480-10-030, filed 5/12/76.]

WAC 480-10-040 Definitions. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) Acting Agency. Acting agency means an agency with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

(2) Action. Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). [See the provisions of WAC 480-10-170, 480-10-175 and 480-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and these guidelines, due to CEP's determination that such activities are minor, not "major", actions, even though such activities are within one of the subcategories below.] All actions fall within one of the following subcategories:

(a) Governmental licensing.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not it directly modifies the environment.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan

or program for which approval must be obtained from any federal agency prior to implementation;

(iii) adoptions or approvals of utility, transportation and solid waste disposal rates;

(iv) capital budgets; and

(v) road, street and highway plans.

(3) Agencies with Expertise. Agencies with expertise means those agencies to which a draft environmental impact statement will be sent pursuant to WAC 480-10-465, unless they are also agencies with jurisdiction.

(4) Agencies with Jurisdiction. Agencies with jurisdiction means those agencies from which a nonexempt license is required for a proposal or any part thereof, or which will act upon an application for a grant or loan for a proposal, or agencies which are proposing or initiating any governmental action of a project or nonproject nature. The term does not include those agencies authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for specific proposals; nor does the term include agencies, involved in approving grants or loans, which serve only as conduits between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are instrumentalities of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or Agencies. Agency or agencies mean all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term will mean such successor agency.

(6) CEP. CEP means the council on environmental policy.

(7) Commission. Commission means the Washington utilities and transportation commission.

(8) Consulted Agency. Consulted agency means any agency with jurisdiction or with expertise which is consulted, or from which information is requested by a lead agency during the threshold determination, predraft consultation, or consultation on a draft environmental impact statement.

(9) County/City. County/city means a county, city or town. For the purposes of this chapter, duties and powers are assigned to a county, city or town as a unit, with the delegation of responsibilities among the various departments of a county, city or town being left to the legislative or charter authority of the individual counties, cities or towns.

(10) Declaration of Nonsignificance. Declaration of nonsignificance means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 480-10-355 will be used for this declaration.

(11) Declaration of Significance. Declaration of significance means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 480-10-355 will be used for this declaration.

(12) Draft EIS. Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(13) EIS. EIS means the detailed statement required by RCW 43.21C.030(2)(c). It may refer to either a draft or final environmental impact statement, or both, depending upon context.

(14) Environment. Environment means, and is limited to, those areas listed in WAC 480-10-444.

(15) Environmental Checklist. Environmental checklist means the form contained in WAC 480-10-365.

(16) Environmental Document. Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(17) Environmentally Sensitive Area. Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 480-10-177, and within which certain categorical exemptions do not apply.

(18) Final EIS. Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may consist of a new document, or of the draft EIS together with supplementary material prepared pursuant to WAC 480-10-570, 480-10-580 or 480-10-695.

(19) Lands Covered by Water. Lands covered by water means lands underlying the water areas of the state, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(20) Lead Agency. Lead agency means the agency designated by the provisions of WAC 480-10-200 through 480-10-270 or 480-10-345, which is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(21) License. License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license thus includes the whole or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project; a license required solely for revenue purposes is not included.

(22) Licensing. Licensing means the agency process in granting, renewing or modifying a license.

(23) List of Elements of the Environment. List of elements of the environment means the list contained in WAC 480-10-444 which will be attached to every environmental impact statement.

(24) Local Agency. Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(25) Major Action. Major action means any "action" as defined in this section which is not exempted by WAC 480-10-170, 480-10-175 and 480-10-180.

(26) NEPA. NEPA means the National Environmental Policy Act of 1969, Pub. L 94-52, 89 Stat 258.

(27) Nonproject EIS. Nonproject EIS means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(28) Physical Environment. Physical environment means and is limited to those elements of the environment listed under "physical environment" in WAC 480-10-444(2).

(29) Private Applicant. Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) Private Project. Private project means any proposal for which the primary initiator or sponsor is an individual or entity other than an "agency" as defined in this section.

(31) Proposal. Proposal means a specific request to undertake any activity submitted to, and which is seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. Further definition of the scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is contained in WAC 480-10-060.

(32) Responsible Official. Responsible official means the administrator of utilities for utility matters, and the administrator of transportation for transportation matters.

(33) SEPA. SEPA means the state environmental policy act of 1971, chapter 43.21C RCW, as amended.

(34) State Agency. State Agency means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(35) Threshold Determination. Threshold determination means the decision by the commission, when acting as the lead agency, whether or not an environmental impact statement is required for a proposal. [Order R-81, § 480-10-040, filed 5/12/76.]

WAC 480-10-050 Use of the environmental checklist form. A form is provided in WAC 480-10-365 for an environmental checklist to be initially completed by an action proponent, whether public or private, either alone or together with the commission, if it is the lead agency, usually in conjunction with a license application. This form will be used in the threshold determination; it will also be helpful in making the lead agency designation and in predraft consultation. However, where there is an agreement between the proponent of a nonexempt action (whether a private applicant or an agency which is not the lead agency) and the commission, if it is the lead agency, that an EIS is required, the completion of the environmental checklist is unnecessary. Where the action proponent and the commission, if it is the lead agency, are the same entity, and a decision to prepare an EIS has been made, then no checklist is required. [Order R-81, § 480-10-050, filed 5/12/76.]

WAC 480-10-055 Timing of the EIS process. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the commission commit it to a particular course of action.

(2) At a minimum, the threshold determination and any required EIS will be completed prior to undertaking any proposed major action.

(3) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a nonproject nature, and the proponent of the major action is also the commission, when it is acting as the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal.

(4) When a proposed action which is not exempted by WAC 480-10-175(2) involves a "contested case" under RCW 34.04.010(3), the commission will perform the lead agency determination required by WAC 480-10-203 and the threshold determination required by WAC 480-10-300 through 480-10-355 prior to issuing notice of hearing in the matter pursuant to RCW 34.04.090.

(a) If the threshold determination required by WAC 480-10-300 through 480-10-355 results in the issuance of proposed and/or final declarations of nonsignificance by the commission, such issuance is, pursuant to WAC 480-10-340(7), a completion of the procedural requirements of this chapter and the commission will not be required to consider evidence of adverse environmental impacts at any subsequent hearing on the proposal held pursuant to RCW 34.04.090, notwithstanding the provisions of WAC 480-10-480(1) and WAC 480-10-490.

(b) If the threshold determination required pursuant to WAC 480-10-300 through 480-10-355 results in the issuance by the commission of a declaration of significance, or the commission concludes there is insufficient information to evaluate the proposal but there is a reasonable belief the proposal may significantly affect the quality of the environment, the commission will follow the declaration and listing requirements of WAC 480-10-350 and prepare a draft EIS pursuant to WAC 480-10-400 through 480-10-444, and circulate the same pursuant to WAC 480-10-455, no fewer than 15 days prior to issuing its 20-day notice of hearing on the proposal pursuant to RCW 34.04.090. The draft EIS, together with comments received by the commission, may be considered at such hearing, pursuant to WAC 480-10-480, 480-10-490. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.]

WAC 480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. (1) The proposal considered by the commission during the lead

agency determination procedure and the threshold determination and EIS preparation, will be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) hereof is applicable. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) hereof is applicable.

(2) The total proposal is the proposed action, together with all proposed activity which is functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates operation of the present proposal or is necessary thereto; or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the commission, if it is the lead agency. The fact that future impacts of a proposal will require future governmental approvals will not be a bar to their present consideration, so long as the plans for those future elements are sufficiently specific to allow some evaluation of their potential environmental impacts.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, consideration of impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between such development and one or more of the governmental decisions necessary for the proposal in question.

(4) Proposals involving extensive future actions may be divided, at the option of the commission, into segments with an EIS prepared for each segment. In such event, the earlier EIS will describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection will not be applied at the threshold determination to determine that any segment of a more extensive significant proposal is insignificant; nor will segmentation be applied so as to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network, the commission, if it is the lead agency, may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations will be logical with relation to the design of the total system or network itself, and will not be made merely to divide a larger system into exempted fragments. [Order R-81, § 480-10-060, filed 5/12/76.]

WAC 480-10-100 Summary of information which may be required of a private applicant. (1) There are three areas of these rules where the commission may require information from a private applicant. These are:

(a) Environmental checklist;

(b) Threshold determination; and,

(c) Draft and final EIS.

The commission may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) **Environmental Checklist.** A private applicant for actions not exempted by WAC 480-10-175(11) is required to complete an environmental checklist as set forth in WAC 480-10-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. [See WAC 480-10-310].

(3) **Threshold Determination.** The commission will make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, the commission determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal, the commission may require further information from the applicant, including explanation of "no" answers on the checklist. This information will be limited to those elements on the environmental checklist for which, as determined by the commission, information accessible to the commission is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. [See WAC 480-10-330.]

(4) **Draft and Final EIS Preparation.** An EIS may be prepared by the applicant under the direction of the commission. [See WAC 480-10-420.] Alternatively, the commission may require a private applicant to provide data and information which is not in the possession of the commission relevant to any or all areas to be covered by an EIS. A private applicant will not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. [Order R-81, § 480-10-100, filed 5/12/76.]

WAC 480-10-150 Exemptions exclusive——CEP approval of changes in exemptions. The only actions exempt from the threshold determination requirements of this chapter are those which are categorically exempted in WAC 480-10-170, 480-10-175 and 480-10-180. [Order R-81, § 480-10-150, filed 5/12/76.]

WAC 480-10-160 No presumption of significance for nonexempt actions. No presumption as to the significance of the impacts upon the environment will be given to any proposed action merely because it was not exempted. [Order R-81, § 480-10-160, filed 5/12/76.]

WAC 480-10-170 Categorical exemptions. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these rules:

(1) **Minor new construction.** The following types of construction will be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all governmental licenses required to undertake the construction in question, except rezones or any license governing emissions to the air or water:

(a) The construction or installation of minor road and street improvements such as railroad protective devices (not including grade separated crossings).

(b) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(c) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) **Judicial activity.** The following shall be exempt:

(a) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, not otherwise exempted by this chapter, are not exempted by this subsection.

(3) **Enforcement and inspections.** The following enforcement and inspection activities will be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license will be considered exempt by virtue of this subsection; nor will the adoption of any regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by the commission of either private or public property for any purpose.

(c) Any action undertaken by the commission to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety: *Provided*, That no open burning will be exempted under this subsection, nor will the application of any pesticide or chemical. No license will be considered exempt by virtue of this subsection; nor will the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(d) Any suspension or revocation of a license for any purpose.

(4) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) Licenses for vehicles for hire: *Provided*, That regulation of common carriers by the commission will not be considered exempt under this subsection.

(c) The renewal or reissuance of a license regulating any present activity or structure that was either exempted under this chapter, or the subject of a declaration of nonsignificance or an EIS, so long as no material changes have occurred since the determination of exemption, or completion of the prior declaration or EIS.

(5) **Activities of the commission.** The following administrative, fiscal and personnel activities of the commission shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services previously authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes or regulatory fees.

(c) The adoption of all budgets and requests for appropriation: *Provided*, That if such adoption includes a final decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The review and payment of vouchers and claims.

(e) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(f) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(g) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(6) **Review and comment actions.** Any activity where the commission reviews or comments upon the actions of another agency is exempt.

(7) **Purchase or sale of real property.** The following real property transactions by the commission shall be exempt:

(a) The purchase or acquisition of any right to real property by the commission.

(b) The sale, transfer or exchange of any publicly owned real property by the commission to or with a private individual or governmental entity, but only if the property is not subject to an authorized public use.

(c) The lease of real property by the commission to a private individual or entity, or to an agency or federal agency, only when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(8) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment will be exempt.

(9) **Acceptance of filings.** The acceptance by the commission of any document or thing required or authorized by law to be filed with the commission and for which the

commission has no discretionary power to refuse acceptance will be exempt. No license will be considered exempt by virtue of this subsection.

(10) **Information collection and research.** Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions will be exempt. These may be for strictly information–gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any commission action which commits the commission to proceed with the proposal.

(11) **Utilities.** The utility–related actions listed below will be exempt: *Provided*, That installation, construction or alteration on lands covered by water will not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, together with repair, replacement, maintenance, operation or alteration by an agency or private entity which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: *Provided*, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or highway right–of–way in its design condition: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel.

(g) All grants of franchises by agencies to utilities.

(h) All disposals of rights–of–way by utilities.

(i) All grants of rights–of–way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(12) **Nonactions.** Proposals for activities which are not "actions" as defined in WAC 480–10–040(2) are not subject to the threshold determination and EIS requirements of this chapter. [Order R–81, § 480–10–170, filed 5/12/76.]

WAC 480–10–175 Exemptions and nonexemptions applicable to the commission. (1) Exemptions are established in this section which relate only to the specific activities identified within the commission. The exemptions of this section are in addition to the general exemptions of WAC 480–10–170 and 480–10–180 unless the general exemptions are specifically made inapplicable by this section.

(2) All actions of the commission under programs administered as of December 12, 1975 are hereby exempted, except the following, which, notwithstanding the provisions of WAC 480–10–170, will not be considered exempt:

(a) Issuance of common carrier motor freight authority under the provisions of chapter 81.80 RCW, which would authorize a new service, or extend an existing transportation service in the fields of general freight (other than local cartage), petroleum and petroleum products in bulk in tank type vehicles, radioactive substances, explosives or corrosives;

(b) Authorization of the opening or closing of any highway–railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;

(c) Regulation of oil and gas pipelines pursuant to chapter 81.88 RCW; and,

(d) The approval of utility and transportation rates where

(i) The revenues realized as a result of the rate approval are provided through an identifiable surcharge and are intended to finance construction of specific projects; and

(ii) At the time of such rate approval, no responsible official of any agency within the State of Washington or a federal agency has conducted the environmental analysis as prescribed pursuant to SEPA or NEPA.

(3) The commission will recognize and give effect to exemptions applicable to other agencies pursuant to WAC 197–10–175 and individual agency rules. [Order R–88, § 480–10–175, filed 10/20/76; Order R–81, § 480–10–175, filed 5/12/76.]

WAC 480–10–180 Exemption for emergency actions. Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, will be exempt from the procedural requirements of this chapter. [Order R–81, § 480–10–180, filed 5/12/76.]

WAC 480–10–190 Use and effect of categorical exemptions. (1) Those activities excluded from the definition of "action" in WAC 480–10–040(2), or categorically exempted by WAC 480–10–170, 480–10–175, and 480–10–180, are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and (2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 480-10-055. For each such proposal a threshold determination will be made prior to any major action with respect to the proposal, and prior to any decision by the commission irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. [Order R-81, § 480-10-190, filed 5/12/76.]

WAC 480-10-200 Commission, when it is the lead agency——Responsibilities. The commission, if it is the lead agency, will be the only agency responsible for complying with the threshold determination procedures of WAC 480-10-300 through 480-10-390; and the commission will be responsible for the supervision, or actual preparation, of draft EISs pursuant to WAC 480-10-400 through 480-10-495, including the circulation of such statements, and the conduct of any public hearings required by this chapter. The commission will also prepare or supervise preparation of any required final EIS pursuant to WAC 480-10-550 through 480-10-695. [Order R-81, § 480-10-200, filed 5/12/76.]

WAC 480-10-203 Determination of lead agency——Procedures. (1) The commission, when it is the first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, will determine the lead agency for that proposal. To ensure that the lead agency is determined early, the commission will determine the lead agency for all proposals for major actions it receives, unless the lead agency has been previously determined or the commission is aware that another agency is in the process of determining the lead agency. The lead agency will be determined by using the criteria in WAC 480-10-205 through 480-10-245.

(2) If the commission determines that another agency is the lead agency, it will mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it will so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies will immediately petition CEP for a lead agency determination pursuant to WAC 480-10-260.

(3) If the commission determines that it is the lead agency, it will immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The commission will then proceed, as the lead agency, to the threshold determination procedure of WAC 480-10-300 through 480-10-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies will immediately petition CEP for a lead agency determination pursuant to WAC 480-10-260.

(4) If the commission receives a lead agency determination to which it objects, it will either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, the commission will determine to the best of its ability the other agencies with jurisdiction over the proposal. The commission may request the information from a private applicant, or consult with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA). [Order R-81, § 480-10-203, filed 5/12/76.]

WAC 480-10-205 Lead agency designation——Governmental proposals. The lead agency for all proposals initiated by an agency will be the agency making the proposal. In the event that two or more agencies share in the implementation of a proposal, the agencies will by agreement determine which agency will assume the status of lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity. [Order R-81, § 480-10-205, filed 5/12/76.]

WAC 480-10-210 Lead agency designation——Proposals involving both private and public construction activity. When the total proposal will involve both private and public construction activity, it will be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and private interests are too intertwined to make this characterization will be considered a public project. The lead agency for all public projects will be determined pursuant to WAC 480-10-205. [Order R-81, § 480-10-210, filed 5/12/76.]

WAC 480-10-215 Lead agency designation——Private projects for which there is only one agency with jurisdiction. For proposed private projects for which there is only one agency with jurisdiction, the lead agency will be the agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.]

WAC 480-10-220 Lead agency designation——Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. For proposals for private projects which require licenses from more than one agency when at least one of the agencies requiring a license is a county/city, the lead agency will be the county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county will not include the areas

within the limits of cities or towns within such county. [Order R-81, § 480-10-220, filed 5/12/76.]

WAC 480-10-225 Lead agency designation—— Private projects requiring licenses from more than one state agency. (1) For private projects which require licenses from more than one state agency, but require no license from a county/city, the lead agency will be one of the state agencies requiring a license, based upon the following order of priority:

(a) Department of ecology.
(b) Department of social and health services.
(c) Department of natural resources.
(d) Department of fisheries.
(e) Department of game.
(f) Utilities and transportation commission.
(g) Department of motor vehicles.
(h) Department of labor and industries.

(2) For private projects requiring a license from more than one state agency, but requiring no license from a county/city, and when none of the state agencies requiring a license is on the above list, the lead agency will be the licensing agency which has the largest biennial appropriation.

(3) When, due to the provision of subsection (1) of this section, an agency would be the lead agency solely because of its involvement in a program jointly administered with another agency, the other agency will be designated the lead agency for proposals for which it is primarily responsible under agreements previously made between the two agencies for joint operation of the program. [Order R-81, § 480-10-225, filed 5/12/76.]

WAC 480-10-230 Lead agency designation—— Specific proposals. Notwithstanding the lead agency designation criteria contained in WAC 480-10-205 through 480-10-225, the lead agency for proposals within the areas listed below will be as follows:

(1) For all governmental actions relating to thermal power plants for which certification is required under chapter 80.50 RCW, the lead agency will be the thermal power plant site evaluation council: *Provided*, That for any public project requiring such certification and for which the study authorized by RCW 80.50.175 will not be made, the lead agency will be the agency initiating the project.

(2) For all private projects relating to the utilization of geothermal resources subject to chapter 79.76 RCW, the lead agency will be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee pursuant to chapter 78.52 RCW, the lead agency will be the department of natural resources, except that for projects subject to RCW 78.52.125, the EIS will be prepared in accordance with that section.

(4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, chapter 76.04 RCW, the lead agency will be the department of natural resources: *Provided*, That for any proposal which will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency will be the county/city requiring the license.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency will be the state agency managing the lands in question: *Provided*, That this subsection will not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), chapter 90.62 RCW, the lead agency will be determined by the department of ecology; except that when county/city licenses are applied for prior to filing the ECPA application, a lead agency will be determined pursuant to the standards of these guidelines prior to granting such county/city licenses.

(7) For private projects which require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. section 1251, *et seq.*), for a pulp or paper mill or oil refinery, the lead agency will be the department of ecology.

(8) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure, the lead agency will be the department of ecology.

(9) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency will be the department of ecology.

(10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million or more gallons of any liquid fuel, the lead agency will be the department of ecology.

(11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that will increase capacity by ten thousand barrels per day or more, the lead agency will be the department of ecology.

(12) For proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent or more of design capacity, the lead agency will be the department of ecology. [Order R-81, § 480-10-230, filed 5/12/76.]

WAC 480-10-235 Local agency transfer of lead agency status to a state agency. For any proposal for a private project where a city or town with a population of under five thousand or a county of fifth through ninth class would be the lead agency pursuant to the designation criteria of WAC 480-10-210 through 480-10-230, and when the commission is an agency with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to the commission if it is the agency with jurisdiction appearing first on the priority listing in WAC 480-10-225. In such event, the state agency so determined will be the lead agency and the agency making the transfer will be an agency with jurisdiction. Transfer is accomplished by the county, city or

town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer will also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal. [Order R-81, § 480-10-235, filed 5/12/76.]

WAC 480-10-240 Agreements as to lead agency status. Nothing herein will prohibit the commission from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction. [Order R-81, § 480-10-240, filed 5/12/76.]

WAC 480-10-245 Agreements between agencies as to division of lead agency duties. The commission, with one or more agencies, may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the commission and other agencies involved will designate one of them as the nominal lead agency, which will be responsible for complying with the duties of the lead agency under these rules. Other agencies with jurisdiction will be notified of the agreement and determination of the nominal lead agency. [Order R-81, § 480-10-245, filed 5/12/76.]

WAC 480-10-270 Assumption of lead agency status by another agency with jurisdiction. When there has been an assumption of lead agency status by another agency with jurisdiction over a proposal, pursuant to WAC 480-10-345, the lead agency responsibilities of the commission regarding threshold determination procedures (WAC 480-10-300 through 480-10-390) transfer to the new lead agency. [Order R-81, § 480-10-270, filed 5/12/76.]

WAC 480-10-300 Threshold determination requirement. (1) Except as provided in subsection (2) hereof, a threshold determination will be made for every proposal for a major action. The commission, when it is the lead agency, will be responsible for making the threshold determination. Only the commission, when it is the lead agency, will make a threshold determination, except when lead agency duties are shared or assumed pursuant to WAC 480-10-245 and 480-10-345, respectively.

(2) The threshold determination requirement of completion of an environmental checklist may be omitted, unless predraft consultation occurs, when:

(a) Both the commission and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The sponsor of the proposal and the commission are the same entity, which decides that an EIS is required.

(3) When the provisions of subsection (2) above have been utilized, the requirements for use of the environmental checklist contained in WAC 480-10-305 through 480-10-390 may be disregarded. [Order R-81, § 480-10-300, filed 5/12/76.]

WAC 480-10-305 Notice of timing for threshold determination. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the commission, if it is the lead agency, will transmit to the private applicant a written statement as to the expected date of decision. [Order R-81, § 480-10-305, filed 5/12/76.]

WAC 480-10-310 Threshold determination procedures——Environmental checklist. (1) An environmental checklist substantially in the form provided in WAC 480-10-365 will be completed for any proposed major action before making the threshold determination. The proposal's proponent will complete the checklist either alone or together with the commission, if it is the lead agency. Explanations of every "yes" and "maybe" answer on the checklist should be provided, and persons completing the checklist may provide explanations of "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) An environmental checklist may be required by the commission, if it is an acting agency receiving an application for a major action, or (if one has not been previously completed) will be required by the commission, if it is the lead agency, prior to making the threshold determination.

(3) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 480-10-170, 480-10-175 and 480-10-180. [Order R-81, § 480-10-310, filed 5/12/76.]

WAC 480-10-320 Threshold determination procedures——Initial review of environmental checklist. (1) The commission, if it is the lead agency, will conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review will be made without requiring further information from the applicant. In making any such initial review, the commission will independently evaluate each item on the checklist and indicate thereon the results of this evaluation.

(2) After completing the initial review of the environmental checklist, the commission, if it is the lead agency, will apply the criteria of WAC 480-10-060 and 480-10-360 to the checklist as evaluated by the commission. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the commission will initiate the negative threshold determination procedures of WAC 480-10-340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the commission will initiate the EIS preparation procedures of WAC 480-10-350 and 480-10-400 through 480-10-695; or,

(c) There is not sufficient information available to the commission to enable it to reasonably make a determination of the environmental significance of the proposal;

in which case the commission will implement one or more of the information gathering mechanisms in WAC 480-10-330. [Order R-81, § 480-10-320, filed 5/12/76.]

WAC 480-10-330 Threshold determination procedures——Information in addition to checklist. (1) In the event that the commission, if it is the lead agency, determines the information available to it is not reasonably sufficient to make the threshold determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information will be limited to those categories on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The commission may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The commission may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted.

(2) When, during the course of collecting further information on a proposal, the commission obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it will immediately make the threshold determination utilizing the criteria of WAC 480-10-360 and 480-10-365. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS will be prepared. [Order R-81, § 480-10-330, filed 5/12/76.]

WAC 480-10-340 Threshold determination procedures——Negative declarations. (1) In the event the commission, if it is the lead agency, determines a proposal will not have a significant adverse impact on the quality of the environment, it will prepare proposed and final declarations of nonsignificance, substantially in the form provided in WAC 480-10-355.

(2) If the commission intends to make a threshold determination of nonsignificance for any nonexempt proposals, it will prepare a proposed declaration of nonsignificance, and comply with the requirements of subsection (3) through (6) below prior to taking any further action on the proposal:

(3) The commission, if it is the lead agency, will list all proposed declarations of nonsignificance in the "Proposed Declaration of Nonsignificance Register" at its SEPA public information center. All such declarations will be attached to the environmental checklist as evaluated by the commission and transmitted to any other agencies with jurisdiction and to the SEPA public information center of the commission.

(4) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the commission, if it is the lead agency, within fifteen days from the date of its listing in the register. The commission will take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of its listing in the register. If comments are received, the commission will reconsider its proposed declaration in light thereof; however, the commission is not required to modify its proposed declaration of nonsignificance to reflect the comments received thereon.

(5)(a) If a proposed declaration of nonsignificance which has been listed in the "Proposed Declaration of Nonsignificance Register" involves a "contested case" under the provisions of RCW 34.04.010(3), any party to the "contested case" may, within fifteen days of such listing, petition in writing for a hearing before the commission on the proposed declaration of nonsignificance; the petitioner must serve other parties with the petition.

(b) Upon receipt of a petition pursuant to paragraph (a) of this subsection, the commission will immediately issue notice pursuant to RCW 34.04.090 and set the matter of the proposed declaration of nonsignificance for hearing; at hearing, the burden will be upon the petitioner to show that the proposed declaration of nonsignificance is improper because significant adverse environmental effects of the proposal were omitted or incorrectly described in the environmental checklist, or improperly evaluated by the commission, if it is the lead agency: *Provided*, That no hearing will be required for petitions filed more than fifteen days after listing of the proposed declaration in the "Proposed Declaration of Nonsignificance Register".

(c) After hearing, the commission may issue a declaration of significance, or a final declaration of nonsignificance; the latter action will be deemed a final decision under the provisions of RCW 34.04.130.

(6) After the fifteen day time period has elapsed, without receiving petitions pursuant to subsection (5), and after considering any comments, the commission will either adopt its proposed declaration as a "Final Declaration of Nonsignificance," or determine that the proposal is significant, or utilize the additional information gathering mechanisms of WAC 480-10-330(1).

(7) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of this chapter unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 480-10-345. [Order R-81, § 480-10-340, filed 5/12/76.]

WAC 480-10-345 Assumption of lead agency status by commission——Prerequisites, effect and form of notice. (1) Notwithstanding the lead agency determination criteria of WAC 480-10-200 through 480-10-260, the commission, if it is an agency with jurisdiction over a proposal, upon review of a proposed declaration of nonsignificance, may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." Such form of notice will be substantially similar to that described in subsection (4) below. Assumption of lead agency status, by the commission, if it is to occur, will take place within fifteen days of the listing of the

proposal in the "Proposed Declaration of Nonsignificance Register" as provided for in WAC 480-10-340.

(2) The commission, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, will make a finding that an EIS is required for the proposal. This finding will be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the lead agency and any other information possessed by the commission relative to the matters contained in the environmental checklist.

(3) As a result of the transmittal of a completed form of the notice contained in subsection (4) below and attached declaration of significance, the commission, if it is a consulted agency with jurisdiction, will become the "new" lead agency and will begin preparation of a draft EIS. In addition, all other responsibilities and authority of a lead agency under this chapter will be transferred to the commission, as new lead agency.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal _____

Proponent _____

Location of Proposal _____

Initial Lead Agency _____

New Lead Agency _____

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated _____. A review of the information relative to the environmental checklist has been made by the commission, as new lead agency, and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the commission, as a former consulted agency with jurisdiction, assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official _____
Position/Title _____
Address/Phone _____

Date _____ Signature _____

(5) A completed form of notice, together with a declaration of significance, will be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. A copy of the notice will be retained in the commission's SEPA public information center. [Order R-81, § 480-10-345, filed 5/12/76.]

WAC 480-10-350 Affirmative threshold determination. (1) In the event the commission, if it is the lead agency, determines that the proposal will have a significant adverse effect upon the quality of the environment, it will prepare a declaration of significance using the form in WAC 480-10-355 which will be retained in the files of the commission. The commission will then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center of the commission, and then begin the EIS preparation procedures of WAC 480-10-400 through 480-10-695.

(2) After the additional information gathering mechanisms of WAC 480-10-330 have been utilized, and when there exists a reasonable belief by the commission, if it is the lead agency, that the proposal could have a significant adverse impact, the procedure contained in subsection (1) above will also be followed. [Order R-81, § 480-10-350, filed 5/12/76.]

WAC 480-10-355 Form of declaration of significance/nonsignificance. (1) A declaration substantially in the form set forth in subsection (2) of this section will be used for all declarations of significance and proposed and final declarations of nonsignificance. This form will be attached to the environmental checklist together with any other information obtained pursuant to WAC 480-10-330, and maintained in the files of the commission. The form without the attachments will also be retained in the SEPA public information center of the commission for one year after issuance.

(2) The form is as follows:

FORM FOR [PROPOSED/FINAL] DECLARATION OF [SIGNIFICANCE/NONSIGNIFICANCE]

Description of Proposal _____

Proponent _____

Location of Proposal _____

Lead Agency _____

This proposal has been determined to [have/not have] a significant adverse impact upon the environment. An EIS [is/is not] required under RCW 43.21C.030(2)(c). This decision was made after review by the commission of a completed environmental checklist and other information on file with the commission.

Responsible Official _____
Position/Title _____

Date _____ Signature _____

(3) If the form is for a declaration of environmental significance, the commission may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the commission would withdraw its declaration and issue a [proposed/final] declaration of nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.]

WAC 480-10-360 Threshold determination criteria——Application of environmental checklist. (1) The commission, if it is the lead agency, will apply the questions in the environmental checklist to the total proposal, including its indirect effects [See WAC 480-10-060], to

determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision will be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed therein will not be considered in the threshold determination.

(2) If, where initially there is insufficient information, and after the commission has utilized the additional information gathering mechanisms of WAC 480-10-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the commission that the proposal could have a significant adverse impact, an EIS is required.

(3) The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather whether the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance will be applied at the threshold determination level.

(4) Additional research or field investigations by either the commission or by the private applicant is required when the information available to the commission is not sufficient for it to make a determination of the potential adverse environmental impacts [See WAC 480-10-330]. [Order R-81, § 480-10-360, filed 5/12/76.]

WAC 480-10-365 Environmental checklist. (1) The form in subsection (2) hereof is the environmental checklist. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 480-10-360 will not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is supplementary thereto.

(2) Environmental checklist form:

ENVIRONMENTAL CHECKLIST

Introduction: The State Environmental Policy Act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the State of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent _____
2. Address and Phone Number of Proponent:
   _____
   _____
   _____
3. Date Checklist Submitted _____
4. Agency Requiring Checklist _____
5. Name of Proposal, if applicable:
   _____
6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):
   _____
   _____
   _____
7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):
   _____
   _____
   _____
8. Estimated Date for Completion of the Proposal:
   _____
9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local——including rezones):
   _____
   _____
   _____
10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:
    _____
    _____

11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:

---

12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the nature of such application form:

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

	Yes	Maybe	No
(1) **Earth.** Will the proposal result in:			
(a) Unstable earth conditions or in changes in geologic substructures?	---	---	---
(b) Disruptions, displacements, compaction or overcovering of the soil?	---	---	---
(c) Change in topography or ground surface relief features?	---	---	---
(d) The destruction, covering or modification of any unique geologic or physical features?	---	---	---
(e) Any increase in wind or water erosion of soils, either on or off the site?	---	---	---
(f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	---	---	---

Explanation: ---

---

(2) **Air.** Will the proposal result in:			
(a) Air emissions or deterioration of ambient air quality?	---	---	---
(b) The creation of objectionable odors?	---	---	---
(c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	---	---	---

Explanation: ---

---

(3) **Water.** Will the proposal result in:			
(a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	---	---	---
(b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	---	---	---
(c) Alterations to the course or flow of flood waters?	---	---	---
(d) Change in the amount of surface water in any water body?	---	---	---
(e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	---	---	---
(f) Alteration of the direction or rate of flow of ground waters?	---	---	---
(g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	---	---	---
(h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters?	---	---	---
(i) Reduction in the amount of water otherwise available for public			

	Yes	Maybe	No
water supplies?	---	---	---

Explanation: ---

(4) **Flora.** Will the proposal result in:

	Yes	Maybe	No
(a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, microflora and aquatic plants)?	---	---	---
(b) Reduction of the numbers of any unique, rare or endangered species of flora?	---	---	---
(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	---	---	---
(d) Reduction in acreage of any agricultural crop?	---	---	---

Explanation: ---

(5) **Fauna.** Will the proposal result in:

	Yes	Maybe	No
(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	---	---	---
(b) Reduction of the numbers of any unique, rare or endangered species of fauna?	---	---	---
(c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	---	---	---
(d) Deterioration to existing fish or wildlife habitat?	---	---	---

Explanation: ---

(6) **Noise.** Will the proposal increase existing noise levels?

	Yes	Maybe	No
	---	---	---

Explanation: ---

(7) **Light and Glare.** Will the proposal produce new light or glare?

	Yes	Maybe	No
	---	---	---

Explanation: ---

(8) **Land Use.** Will the proposal result in the alteration of the present or planned land use of an area?

	Yes	Maybe	No
	---	---	---

Explanation: ---

(9) **Natural Resources.** Will the proposal result in:

	Yes	Maybe	No
(a) Increase in the rate of use of any natural resources?	---	---	---
(b) Depletion of any nonrenewable natural resource?	---	---	---

Explanation: ---

(10) **Risk of Upset.** Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

	Yes	Maybe	No
	---	---	---

Explanation: ---

(11) **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?

	Yes	Maybe	No
	---	---	---

Explanation: ---

(12) **Housing.** Will the proposal affect existing

	Yes	Maybe	No
housing, or create a demand for additional housing?	---	---	---

Explanation: ---

(13) **Transportation/Circulation.** Will the proposal result in:

(a) Generation of additional vehicular movement?	---	---	---
(b) Effects on existing parking facilities, or demand for new parking?	---	---	---
(c) Impact upon existing transportation systems?	---	---	---
(d) Alterations to present patterns of circulation or movement of people and/or goods?	---	---	---
(e) Alterations to waterborne, rail or air traffic?	---	---	---
(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	---	---	---

Explanation: ---

(14) **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

(a) Fire protection?	---	---	---
(b) Police protection?	---	---	---
(c) Schools?	---	---	---
(d) Parks or other recreational facilities?	---	---	---
(e) Maintenance of public facilities, including roads?	---	---	---
(f) Other governmental services?	---	---	---

Explanation: ---

(15) **Energy.** Will the proposal result in:

(a) Use of substantial amounts of fuel or energy?	---	---	---
(b) Demand upon existing sources of energy, or require the development of new sources of energy?	---	---	---

Explanation: ---

(16) **Utilities.** Will the proposal result in a need for new systems, or alterations to the following utilities:

(a) Power or natural gas?	---	---	---
(b) Communications systems?	---	---	---
(c) Water?	---	---	---
(d) Sewer or septic tanks?	---	---	---
(e) Storm water drainage?	---	---	---
(f) Solid waste and disposal?	---	---	---

Explanation: ---

(17) **Human Health.** Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)? --- --- ---

Explanation: ---

(18) **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? --- --- ---

Explanation: ---

(19) **Recreation.** Will the proposal result in an impact upon the quality or

	Yes	Maybe	No
quantity of existing recreational opportunities?	---	---	---

Explanation: ----------

---

(20) **Archeological/Historical.** Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building? --- --- ---

Explanation: ----------

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the commission may withdraw any declaration of nonsignificance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: ----------

[Order R-81, § 480-10-365, filed 5/12/76.]

WAC 480-10-370 Withdrawal of affirmative threshold determination. If at any time after the entry of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the commission, if it is the lead agency, all significant adverse environmental impacts resulting therefrom are eliminated, the declaration of significance will be withdrawn and a declaration of nonsignificance entered instead. The commission will also revise the registers at its SEPA public information center accordingly. If the proponent of a proposal is a private applicant, the proposal will not be considered modified until all license applications for the proposal are revised to reflect the modification. [Order R-81, § 480-10-370, filed 5/12/76.]

WAC 480-10-375 Withdrawal of negative threshold determination. (1) Except after a nonexempt license has been issued for a private project, the commission, if it is the lead agency, may withdraw any proposed or final declaration of nonsignificance when new information becomes available to it indicating that the proposal may have significant adverse environmental impacts.

(2) The commission, if it is the lead agency, may withdraw any proposed or final declaration of nonsignificance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the commission will immediately reevaluate the proposal and make a revised threshold determination pursuant to WAC 480-10-300 through 480-10-360.

(4) Whenever a final declaration of nonsignificance has been withdrawn for one of the reasons in subsection (2) hereof, and the lead agency upon reevaluation determines that the proposal will have significant adverse environmental impacts, the commission, if it is an agency with jurisdiction will initiate procedures to suspend, modify or revoke, as appropriate, any nonexempt licenses issued for the proposal until compliance with the procedures of these rules is met. [Order R-81, § 480-10-375, filed 5/12/76.]

WAC 480-10-390 Effect of threshold determination by lead agency. (1) The commission, if it is an agency with jurisdiction over a proposal, upon receipt of a proposed declaration of nonsignificance from the lead agency, may complete and transmit a notice of assumption of lead agency status after meeting the requirements of WAC 480-10-345. Invocation by the commission of the provisions of WAC 480-10-345, vests the commission with the status of the new lead agency, which will be required to prepare a draft EIS and exercise the other responsibilities of a lead agency under these rules. [Order R-81, § 480-10-390, filed 5/12/76.]

WAC 480-10-400 Duty to begin preparation of a draft EIS. After compliance with WAC 480-10-350, relating to preparation of a declaration of significance and the listing of the proposal in the "EIS in Preparation Register," the commission, if it is the lead agency, will prepare the draft and final EIS in compliance with WAC 480-10-410 through 480-10-695. [Order R-81, § 480-10-400, filed 5/12/76.]

WAC 480-10-405 Purpose and function of a draft EIS. (1) The principal purpose of the draft EIS document is to transmit environmental information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. The focus of the document is upon the following:

(a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and

(b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the commission from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. Bare receipt by the commission of information pertinent to alleged inadequate or erroneous EIS discussions is not to be deemed proof of such alleged inadequacy or error. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the commission

any issue of potential environmental concern which should be explored by the commission prior to the issuance of a final EIS. [Order R-81, § 480-10-405, filed 5/12/76.]

WAC 480-10-410 Predraft consultation procedures. (1) Predraft consultation is consultation by the commission, if it is the lead agency, with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects will only be initiated by the commission when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the commission.

(2) Predraft consultation is commenced when the commission sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal in the possession of the commission.

(b) A copy of the environmental checklist required by WAC 480-10-310, as reviewed pursuant to WAC 480-10-320.

(c) Any information in addition to the checklist resulting from application of WAC 480-10-330.

(d) Any other information deemed relevant to the proposal by the commission such as:

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

(3) The commission, if it is an agency so consulted, will have forty-five days from receipt of the packet to respond in writing to the lead agency. The contents of the commission's response are prescribed by WAC 480-10-500 through 480-10-540.

(4) The commission, if it is the lead agency, will incorporate the relevant information received from other agencies during the predraft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the commission disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion will be set forth together with the views of the commission. The information described by this subsection may be placed wherever in the draft EIS the commission deems most appropriate. [Order R-81, § 480-10-410, filed 5/12/76.]

WAC 480-10-420 Preparation of EIS by persons outside the commission. (1) Preparation of the EIS is the responsibility of the commission, if it is the lead agency, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the commission. The responsible official, prior to distributing the draft EIS, will be satisfied that it complies with the provisions of these rules.

(2) An EIS may be prepared by a private applicant or agent thereof, or by an outside consultant retained by either a private applicant or the commission. In such case, the responsible official will assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official will direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.

(3) If a person other than the commission is preparing the EIS, the responsible official will coordinate any predraft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official will also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency.

The commission will not be bound by any conclusions reached by such a private preparer, and will be free to modify the EIS as prepared to reflect its independent judgment.

(4) No private applicant will be required to participate in the preparation of an EIS except when consistent with the rules of the commission. A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS. [Order R-81, § 480-10-420, filed 5/12/76.]

WAC 480-10-425 Organization and style of a draft EIS. (1) The required contents of a draft EIS for proposals of both a project and nonproject nature are set forth in WAC 480-10-440. The contents of a draft EIS prepared pursuant to that section shall be organized as set forth in subsections (2) and (3) of this section.

(2) Each draft EIS will begin with an introduction, table of contents, distribution list, summary, and a description of the proposed action. The information contained in each section will conform to the applicable requirements set forth in WAC 480-10-440(1) through 480-10-440(6).

(3) The organization and style of the remaining content of the EIS may be varied, at the option of the commission, if it is the lead agency, from the format set forth in WAC 480-10-440(7) through 480-10-440(14): *Provided,* That all of the subject matters required by WAC 480-10-440 will be contained somewhere within the draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.]

WAC 480-10-440 Contents of a draft EIS. (1) The following subsections set forth the required contents of a draft EIS: *Provided,* That where the commission is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be expanded as necessary to meet the requirements of that federal agency.

(2) **Introduction.** The following information will be set forth at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Statement that the commission is the lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) **Table of contents.**

(4) **Distribution list.** The draft EIS will include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication [See WAC 480-10-460].

(5) **Summary of the contents of the draft EIS.** Each draft EIS will contain a summary of its contents as an aid to the commission decision-makers. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities will be stated. The summary will not be more than ten pages. The summary will include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be effectuated by the applicant, lead agency, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) **Description of the proposal.** The draft EIS will include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description, if any: *Provided*, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, will be included which shows the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction over a period of time, the timing of each construction phase will be identified; and if it is anticipated that later phases of the proposal will require future environmental analyses, these will be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description will be tailored to the environmental impacts later discussed, with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data will be avoided. Material of this nature will be retained in commission files and will be supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within this subsection, the commission, if it is the lead agency, has discretion to determine the content and level of detail appropriate adequately to describe the proposal.

(7) **Existing environmental conditions.** This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 480-10-444.

(i) The level of detail used in presenting the existing environment will be sufficient to illuminate the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts will not be mentioned.

(iii) Inventories of the species of flora and fauna present on the site will be avoided; rather, emphasis will be placed upon those species and habitats which may be significantly affected.

(iv) This subsection will be brief, nontechnical, and easily understandable and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference will be made to those inventories and data studies if any which provided the informational source for part or all of the contents of this subsection.

(8) **The impact of the proposal on the environment.** The following items will be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 480-10-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), will be discussed in detail; impacts which are potential, but not certain to occur, will be discussed within reason.

(b) Elements of the environment which will not be significantly affected will be marked "N/A" (not applicable) as set forth in WAC 480-10-444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) above will be examined and discussed.

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) **The relationship between local short-term uses of man's environment and maintenance and enhancement of**

long-term productivity. The following items will be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather will be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health will be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The commission's perspective will be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention will be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) **Irreversible or irretrievable commitments of resources.** The following items will be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and nonrenewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) **Adverse environmental impacts which may be mitigated.** The following items will be included in this subsection:

(a) A description of reasonable alterations to the proposal which may result in avoiding, mitigating or reducing the risk of occurrence of any adverse impacts upon the environment.

(b) Energy conservation measures, including more efficient utilization of conventional techniques as well as newer methods.

(c) Each alternative discussed in (a) and (b) above will be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) **Alternatives to the proposal.** This subsection will include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives will include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no-action" alternative will be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative will be identified.

(d) The analysis of alternatives will be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) In those instances where the proposal is for a private project on a specific site, the alternatives considered will be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation will not apply when the project proponent is applying for a rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that will be described and evaluated in this subsection, as well as the amount or level of detail which the EIS will employ for each alternative that is discussed and evaluated.

(13) **Unavoidable adverse impacts.** This subsection will include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided by modifications to the project.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination will be clearly stated.

(c) [Optional] A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) **Other issues.** A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 480-10-444, but which are relevant to the proposal, will be identified. The section will be limited to a brief identification of such problems or issues. [See WAC 480-10-446.] [Order R-81, § 480-10-440, filed 5/12/76.]

WAC 480-10-442 Special considerations regarding contents of an EIS on a nonproject action. (1) The requirements of WAC 480-10-440 apply to the contents of a draft EIS on a proposal for a nonproject action. The commission will employ flexibility in its approach to achieving compliance with the requirements of WAC 480-10-440 in writing EISs for nonproject actions.

(2) The proposal will be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. [Order R-81, § 480-10-442, filed 5/12/76.]

WAC 480-10-444 List of elements of the environment. (1) Every EIS will have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The commission, if it is the lead agency, will place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" will not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing.

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

(a) **Earth.**
- (i) Geology.
- (ii) Soils.
- (iii) Topography.
- (iv) Unique physical features.
- (v) Erosion.
- (vi) Accretion/avulsion.

(b) **Air.**
- (i) Air quality.
- (ii) Odor.
- (iii) Climate.

(c) **Water.**
- (i) Surface water movement.
- (ii) Runoff/absorption.
- (iii) Floods.
- (iv) Surface water quantity.
- (v) Surface water quality.
- (vi) Ground water movement.
- (vii) Ground water quantity.
- (viii) Ground water quality.
- (ix) Public water supplies.

(d) **Flora.**
- (i) Numbers or diversity of species.
- (ii) Unique species.
- (iii) Barriers and/or corridors.
- (iv) Agricultural crops.

(e) **Fauna.**
- (i) Numbers or diversity of species.
- (ii) Unique species.
- (iii) Barriers and/or corridors.
- (iv) Fish or wildlife habitat.

(f) **Noise.**

(g) **Light and glare.**

(h) **Land use.**

(i) **Natural resources.**
- (i) Rate of use.
- (ii) Nonrenewable resources.

(j) **Risk of explosion or hazardous emissions.**

(3) ELEMENTS OF THE HUMAN ENVIRONMENT

(a) **Population.**

(b) **Housing.**

(c) **Transportation/circulation.**
- (i) Vehicular transportation generated.
- (ii) Parking facilities.
- (iii) Transportation systems.
- (iv) Movement/circulation of people or goods.
- (v) Waterborne, rail and air traffic.
- (vi) Traffic hazards.

(d) **Public services.**
- (i) Fire.
- (ii) Police.
- (iii) Schools.
- (iv) Parks or other recreational facilities.
- (v) Maintenance.
- (vi) Other governmental services.

(e) **Energy.**
- (i) Amount required.
- (ii) Source/availability.

(f) **Utilities.**
- (i) Energy.
- (ii) Communications.
- (iii) Water.
- (iv) Sewer.
- (v) Storm water.
- (vi) Solid waste.

(g) **Human health** (including mental health).

(h) **Aesthetics.**

(i) **Recreation.**

(j) **Archeological/historical.**

(4) The following additional element will be covered in all EISs, either by being discussed or marked "N/A," but will not be considered part of the environment for other purposes:

(a) **Additional population characteristics.**
- (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

[Order R-81, § 480-10-444, filed 5/12/76.]

WAC 480-10-446 Draft EIS——Optional additional elements——Limitation. The rules of the commission, if it is the lead agency, will control the content of the EIS, even though other agencies with jurisdiction are involved in the proposal. The commission will not prescribe additional material for an EIS beyond that which is required or optionally allowed by WAC 480-10-440 and 480-10-444. [Order R-81, § 480-10-446, filed 5/12/76.]

WAC 480-10-450 Public awareness of availability of draft EIS. Upon publication of the draft EIS, the responsible official will list the proposal in the commission's "EIS Available Register" maintained at the commission's SEPA public information center. [Order R-81, § 480-10-450, filed 5/12/76.]

WAC 480-10-455 Circulation of the draft EIS——Review period. (1) A consulted agency will have a maximum of thirty-five days from the date of listing of the

proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the commission, if it is the lead agency. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the commission. Extensions may not be granted for any other purpose.

(2) There will be allowed a period of thirty–five days from the date of the listing of the proposal in the "EIS Available Register" for the public to forward to the commission, if it is the lead agency, any comments upon or substantive information related to the proposal and the draft EIS. [Order R–81, § 480–10–455, filed 5/12/76.]

WAC 480–10–460 Specific agencies to which draft EIS will be sent. (1) A copy of each draft EIS will be mailed no later than the day that it is listed in the "EIS Available Register" to the following:

(a) The department of ecology.

(b) Each federal agency having jurisdiction by law over a proposed action.

(c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 480–10–040 and 480–10–465 (required by RCW 43.21C.030(2)(d)).

(d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for non–project actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area–wide council of government which has been designated to review and coordinate local governmental planning under the A–95 review process and other federal regulations and programs [See RCW 36.64.080, RCW 35.63-.070 and RCW 36.70.070].

(g) The commission's SEPA public information center.

(h) [Optional] Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the commission to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these rules due to that factor alone. [See WAC 480–10–040, 480–10–465, 480–10–510 and 480–10–520 for those provisions that define a consulted agency.] [Order R–81, § 480–10–460, filed 5/12/76.]

WAC 480–10–465 Agencies possessing environmental expertise. The following agencies will be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

(1) **Air quality.**
- (a) Department of ecology.
- (b) Department of natural resources (only for burning in forest areas).
- (c) Department of social and health services.
- (d) Regional air pollution control authority or agency.

(2) **Water resources and water quality.**
- (a) Department of game.
- (b) Department of ecology.
- (c) Department of natural resources (state–owned tidelands, harbor areas or beds of navigable waters).
- (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
- (e) Department of fisheries.
- (f) Oceanographic commission (marine waters).

(3) **Fish and wildlife.**
- (a) Department of game.
- (b) Department of fisheries.
- (c) Oceanographic commission (marine waters).

(4) **Solid waste.**
- (a) Department of ecology.
- (b) Department of fisheries (dredge spoils).
- (c) Department of social and health services.

(5) **Noise.**
- (a) Department of ecology.
- (b) Department of social and health services.

(6) **Hazardous substances** (including radiation).
- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of agriculture (foods or pesticides).
- (d) Department of fisheries (introduction into waters).
- (e) Oceanographic commission (introduction into marine waters).

(7) **Natural resources development.**
- (a) Department of commerce and economic development.
- (b) Department of ecology.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Oceanographic commission (related to marine waters).

(8) **Energy production, transmission and consumption.**
- (a) Department of commerce and economic development (office of nuclear energy development——nuclear).
- (b) Department of ecology.
- (c) Department of natural resources (geothermal, coal, uranium).
- (d) State energy office.

(e) Thermal power plant site evaluation council (thermal power plants).
(f) Utilities and transportation commission.

(9) **Land use and management.**
(a) Department of commerce and economic development.
(b) Department of ecology.
(c) Department of fisheries (affecting surface or marine waters).
(d) Department of natural resources (tidelands or state–owned or –managed lands).
(e) Office of community development.

(10) **Transportation.**
(a) Department of highways.
(b) Utilities and transportation commission.
(c) Oceanographic commission (water borne).

(11) **Recreation.**
(a) Department of commerce and economic development.
(b) Department of game.
(c) Department of fisheries.
(d) Parks and recreation commission.
(e) Department of natural resources.

(12) **Archaeological/historical.**
(a) Parks and recreation commission.
(b) Washington state university at Pullman (Washington archaeological research council).

[Order R–81, § 480–10–465, filed 5/12/76.]

WAC 480–10–480 Public hearing on a proposal——When required. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing will be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases a public hearing on the environmental impact of a proposal will be held whenever one or more of the following situations occur:

(a) The commission determines, in its sole discretion, that a public hearing would assist the commission in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the commission, or who would be adversely affected by the environmental impact of the proposal, make written request to the commission within thirty–five days of the listing of the proposal in the "EIS Available Register"; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the commission within thirty–five days of the listing of the proposal in the "EIS Available Register."

(3) Whenever a public hearing is held under subsection (2) of this section, it will occur no later than fifty–one days from the listing of the proposal in the "EIS Available Register" and no earlier than fifteen days from such date of listing. [Order R–81, § 480–10–480, filed 5/12/76.]

WAC 480–10–485 Notice of public hearing on environmental impact of the proposal. (1) Notice of all public hearings to be held pursuant to WAC 480–10–480(2) will be published in a newspaper of general circulation in the area where the project will be implemented. For nonproject actions the notice will be published in the general area where the commission has its principal office. The notice will be published no later than twenty days preceding the hearing. For nonproject proposals having regional or statewide applicability, copies of the notice will be transmitted to the Olympia bureaus of the associated press and united press international.

(2) A notation of the hearing date and location will be entered in the "EIS Available Register" maintained at the commission's SEPA public information center. [Order R–81, § 480–10–485, filed 5/12/76.]

WAC 480–10–490 Public hearing on the proposal——Use of environmental documents. Whenever a public hearing is held on the environmental impact of a proposal, it will be open to discussion of all environmental documents and any written comments which have been received by the commission prior to the hearing. A copy of the draft EIS shall be made available for public inspection at the public hearing. [Order R–81, § 480–10–490, filed 5/12/76.]

WAC 480–10–495 Preparation of amended or new draft EIS. (1) The commission, if it is the lead agency, will prepare an amended or new draft EIS whenever it determines:

(a) That substantial changes have been made in the proposal, or significant new information concerning anticipated environmental impacts has become available subsequent to circulation of the initial draft EIS, and

(b) That circulation of a new draft EIS is necessary to provide further review of the proposal.

(2) In such event, the commission will follow the provisions of WAC 480–10–450 through 480–10–490 for the amended or new draft EIS. [Order R–81, § 480–10–495, filed 5/12/76.]

WAC 480–10–510 Responsibilities of commission as a consulted state agency with jurisdiction. The commission, if it is an agency with jurisdiction, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, will immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal; or, in the event no license is involved it will investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The commission will transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of

the license or activity of the commission. The commission will also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risks which remain after it has conducted the investigations that may have been required. [Order R–81, § 480–10–510, filed 5/12/76.]

WAC 480–10–520 Responsibilities of commission as a consulted state agency with environmental expertise. (1) The commission, if it is an agency participating in predraft consultation, or reviewing a draft EIS, lacking jurisdiction, but possessing environmental expertise pertaining to the impacts associated with a proposal [see WAC 480–10–465], when requested by the lead agency, will provide to the lead agency that substantive data, information, test results or other material relevant to the proposal which the commission then possesses relating to its area of special expertise.

(2) The commission, as a consulted agency, may at its option investigate, develop and transmit whatever additional information is necessary for the lead agency to meet its responsibilities under WAC 480–10–440 or 480–10–442. [Order R–81, § 480–10–520, filed 5/12/76.]

WAC 480–10–530 Responsibilities of commission as a consulted agency——When predraft consultation has occurred. When the commission, as a consulted agency, has engaged in the predraft consultation procedures set forth in WAC 480–10–410, the scope and depth of its required review and comment upon the draft EIS is limited to those appropriate and relevant matters which were not contained in its previous response. [Order R–81, § 480–10–530, filed 5/12/76.]

WAC 480–10–535 Cost of performance of commission responsibilities as a consulted agency. The commission, if it is a consulted agency, will not charge the lead agency for any costs incurred in complying with WAC 480–10–500 through 480–10–540, including, but not limited to, such functions as providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. [Order R–81, § 480–10–535, filed 5/12/76.]

WAC 480–10–540 Limitations on responses to consultation. In those instances where part or all of the relevant data possessed by the commission, if it is a agency, is either voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the commission in its comments to the lead agency and the data itself will not be transmitted. When the commission identifies relevant data, files or other material pursuant to this section, it will describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the commission will transmit only that information it is capable of developing from the material sent to it with the consultation request. [Order R–81, § 480–10–540, filed 5/12/76.]

WAC 480–10–545 Effect of no written comment. If a consulted agency does not respond with written comments within thirty–five days of the date of listing of the draft EIS in the "EIS Available Register," or fails to respond within the fifteen–day extension period which may have been granted by the commission, if it is the lead agency, the commission may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the commission in response to a draft EIS is thereafter barred from alleging any defects in the commission's compliance with WAC 480–10–400 through 480–10–495, or with the contents of the final EIS. [Order R–81, § 480–10–545, filed 5/12/76.]

WAC 480–10–550 Preparation of the final EIS——Time period allowed. The commission, if it is the lead agency, will prepare a final EIS within seventy–five days of the listing of the proposal in the "EIS Available Register." The commission may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex. [Order R–81, § 480–10–550, filed 5/12/76.]

WAC 480–10–570 Preparation of the final EIS——Contents——When no critical comments received on the draft EIS. (1) If the commission, if it is the lead agency, does not receive any comments critical of the scope or content of the draft EIS, the commission, may prepare a statement to the effect that no critical comments were received and circulate that statement in the manner prescribed in WAC 480–10–600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), will constitute the "final EIS" for the proposal: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS will be attached only to the statement sent to these agencies. [Order R–81, § 480–10–570, filed 5/12/76.]

WAC 480–10–580 Preparation of the final EIS——Contents——When critical comments received on the draft EIS. (1) When the commission, if it is the lead agency, receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it will: (a) Determine that no changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The commission will

prepare a document containing a general response to the comments that were received, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the environmental impacts of the proposal. The commission will then circulate the document in the manner prescribed in WAC 480-10-600: *Provided*, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS will be attached only to the statement sent to these agencies, or

(b) Determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the commission will circulate the rewritten EIS in the manner specified in WAC 480-10-600. The commission will ensure that the rewritten EIS evidences an affirmative response by the commission to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(2) A document prepared and circulated pursuant to paragraph (a) or (b) above will constitute the "final EIS" for the proposal. [Order R-81, § 480-10-580, filed 5/12/76.]

WAC 480-10-600 Circulation of the final EIS. The final EIS will be circulated to the department of ecology, office of the governor or the governor's designee, the ecological commission, the commission's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It will be made available to the public in the same manner as the draft EIS. [Order R-81, § 480-10-600, filed 5/12/76.]

WAC 480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. (1) The requirements of this chapter relating to the preparation of an EIS will not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency will be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 U.S.C. § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 480-10-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the commission, when acting as lead agency, determines that the federal EIS is adequate, it will be listed in the "EIS Available Register" in the SEPA public information center.

(4) A public hearing on the sole issue of the adequacy of the content of a federal EIS will be held if, within thirty-five days of its listing in the register, at least fifty persons who reside within the jurisdiction of the commission, or are adversely affected by the environmental impact of the proposal, make written request therefor. The commission, if it is the lead agency, will reconsider its determination of adequacy in view of comments received at any such public hearing. [Order R-81, § 480-10-650, filed 5/12/76.]

WAC 480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. When a final EIS prepared pursuant to NEPA is inadequate under the criteria set forth in WAC 480-10-650(2), then the commission, if it is the lead agency, will either:

(1) Prepare a draft EIS independent of the final NEPA EIS or

(2) Modify or supplement the final NEPA EIS as necessary to prepare an adequate draft EIS. [Order R-81, § 480-10-652, filed 5/12/76.]

WAC 480-10-660 Use of previously prepared EIS for a different proposed action. (1) The commission may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements will be met:

(a) The previous EIS or portion thereof, together with any supplement to it, will meet the requirements of these rules applicable to an EIS for the new proposed action, and

(b) A previous EIS may not be used without an explanatory supplement where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the commission will prepare a draft supplemental EIS and comply with the provisions of WAC 480-10-400 through 480-10-695. The contents of the draft and final supplemental EIS will be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the commission may prepare a written statement setting forth its determination under this subsection and list the proposal in the "EIS Available Register". The commission will not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. The provisions of WAC 480-10-480 through 480-10-490, relating to a public hearing on the environmental impact of a proposal will apply, however, to proposed actions determined to be under the provisions of this subsection. [Order R-81, § 480-10-660, filed 5/12/76.]

WAC 480-10-690 Use of commission's EIS by other acting agencies for the same proposal. (1) When the commission is considering an action which is identified as part of a proposal covered by a final EIS of a lead agency, and the commission was consulted as an agency with jurisdiction during the consultation process

on the previous EIS because of the action it is now considering, the commission will utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) hereof.

(2) The commission, when acting as an agency with jurisdiction will review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the commission will prepare a supplement to the lead agency's EIS if, and only if, it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If an agency is not listed as a licensing agency in the draft EIS pursuant to WAC 480-10-440(2)(d) and did not receive a copy of the draft EIS, such agency will not be limited by the contents of the earlier EIS in preparing its statement. [Order R-81, § 480-10-690, filed 5/12/76.]

WAC 480-10-695 Draft and final supplements to a revised EIS. (1) In any case where the commission, when acting as the lead agency, is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it will prepare a draft supplemental EIS and comply with WAC 480-10-450. Copies of both the prior and supplemental EIS will be maintained at the SEPA public information center, and copies of the prior EIS, as well as the supplement, will be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the commission will comply with WAC 480-10-550 through 480-10-580 and the final supplemental EIS, together with the earlier EIS, will be regarded as a final EIS for all purposes of these rules. [Order R-81, § 480-10-695, filed 5/12/76.]

WAC 480-10-700 No action for seven days after publication of the final EIS. The commission will not take any major action (as defined in WAC 480-10-040(24)) on a proposal for which an EIS has been required, prior to seven days from the publication of the final EIS and its listing in the "EIS Available Register" maintained at the commission's SEPA public information center. [Order R-81, § 480-10-700, filed 5/12/76.]

WAC 480-10-710 EIS combined with existing planning and review processes. The EIS process will be combined with the existing planning, review and project approval processes being used by the commission. When required to be prepared, the EIS, the declaration of nonsignificance, or the previously circulated EIS being utilized pursuant to WAC 480-10-660, will accompany a proposal through the existing review processes. [Order R-81, § 480-10-710, filed 5/12/76.]

WAC 480-10-810 Responsibility of commission——Amendments to this chapter. In the event that CEP or its successor agency adopts amendments to chapter 197-10 WAC, the commission will adopt amendments of its own rules within one hundred twenty days to bring such rules into conformance with chapter 197-10 WAC, as amended. [Order R-81, § 480-10-810, filed 5/12/76.]

WAC 480-10-830 Commission SEPA public information center. (1) The commission's SEPA public information center is located on the 7th Floor, Highways-Licenses Building, Olympia, Washington.

(2) The following documents will be maintained at the commission's SEPA public information center:

(a) Copies of all declarations of nonsignificance filed by the commission for a period of one year.

(b) Copies of all EISs prepared by the commission for a period of three years. Draft EISs which have been superseded by a final EIS will not be maintained at the center.

(3) In addition, the commission will maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained:

(a) A "Proposed Declaration of Nonsignificance Register" which will contain a listing of all current proposed declarations of nonsignificance.

(b) An "EIS in Preparation Register" which will contain a listing of all proposals for which the commission is currently preparing an EIS, and the date by which the EIS is expected to be available.

(c) An "EIS Available Register" which will contain a listing of all draft and final EISs prepared by the commission during the previous six months, including thereon the date by which comments must be received on draft EISs, and the date for any public hearing scheduled for the proposal.

(4) Each of the registers required by subsection (3) hereof will be kept current and the registers, or updates thereof, containing new entries added since the last mailing, will be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals are placed on the register, in which event a copy of the register or update will be mailed when a new proposal is added. [Order R-81, § 480-10-830, filed 5/12/76.]

WAC 480-10-835 Regional SEPA public information centers. (1) For any proposal which will affect a county in which a regional SEPA public information center has been designated, the commission, if it is the

lead agency, will transmit to the regional center all documents required to be maintained at such a SEPA public information center, together with information appropriate for listing in the registers maintained at such center, if any.

(2) If the commission proposes nonproject actions of regional or statewide applicability, it will transmit to the regional SEPA public information centers within counties affected thereby the information needed to update the registers of the regional centers, together with any notices made under WAC 480-10-450, but will not transmit any other environmental document to the regional centers. When the commission considers proposed project or licensing actions, it will comply with subsection (1) hereof in the same manner as local agencies.

(3) For the purposes of this section only, a county includes all other jurisdictions within its boundaries. [Order R-81, § 480-10-835, filed 5/12/76.]

WAC 480-10-840 Application of these rules to ongoing actions. (1) These rules will apply to any proposed action when initiated subsequent to the effective date of the rules.

(2) For proposals made prior to the effective date of the rules, the rules will apply to those elements of SEPA compliance remaining to be undertaken subsequent to the effective date of such rules. Rules adopted pursuant to RCW 43.21C.120 and the requirements of this chapter will not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed prior to the effective date of the rules. [Order R-81, § 480-10-840, filed 5/12/76.]

Chapter 480-12 WAC
MOTOR CARRIERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

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

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

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

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

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

WAC 480-12-003 Procedure. Except as otherwise provided in this chapter, the Commission's Rules relating to Procedure, chapter 480-08 WAC shall govern the administrative practice and procedure in and before the Commission in proceedings involving motor freight carriers. [Order R-24, § 480-12-003, filed 4/16/71.]

WAC 480-12-005 Communications. (1) 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, Highways-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) Every permit holder in addressing communications to the Commission must use the name shown upon his permit and indicate permit number.

(3) All carriers operating under these rules are urged to report violations thereof, for in so doing conditions can be improved. All reports received in accordance with this subsection (3) of this rule will be held confidential by all Commission personnel. [Order R-43, § 480-12-005, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-005, filed 6/6/69, effective 10/9/69.]

WAC 480-12-010 Rule book must be in main office--Charge for replacement. All carriers operating under these rules are required to keep a copy of same on file in their main office at all times, and to regularly insert all revised pages issued by the Commission so that the rule book contains all the current rules.

Replacement of lost, or additional rule books will be charged for at $2.00 for each copy. Failure to comply with this rule will subject permittee to penalty. [Order R-5, § 480-12-010, filed 6/6/69, effective 10/9/69.]

WAC 480-12-015 Documents--When filed. Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common and contract carrier motor vehicle permits or extensions thereof, or any other matter required to be served upon or filed with the Washington Utilities and Transportation Commission shall be served or filed upon said Commission at its offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington, upon the Secretary of said Commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application, or other matter required to be served upon or filed with the Commission shall be considered as served or filed until it is received at the said offices of the Commission at Olympia, Washington. Applications for motor vehicle common and contract carrier permits, or for extensions thereof may be transmitted to the district offices of the Commission for forwarding to the offices of the Commission at Olympia, but are not considered as served or filed until they are received at the said Olympia offices. [Order R-43, § 480-12-015, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-015, filed 6/6/69, effective 10/9/69.]

WAC 480-12-020 Remittances. (1) Remittances to the Commission may be by money order, bank draft or certified check payable to the Washington Utilities and Transportation Commission. Personal checks, if drawn on a bank in the State of Washington, will be accepted subject to collection.

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

(3) Do not remit postage stamps, except when so directed. [Order R-5, § 480-12-020, filed 6/6/69, effective 10/9/69.]

WAC 480-12-025 Address, change of. A change in the address of the principal place of business of any carrier must immediately be reported to the Commission. [Order R-5, § 480-12-025, filed 6/6/69, effective 10/9/69.]

WAC 480-12-030 Applications. (1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the Commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the

documents and exhibits specified in the application form or instructions and the fee of one hundred fifty dollars for applications for permanent authority including applications for extensions, thirty-five dollars for applications for temporary authority, thirty-five dollars for applications for "Seasonal Agricultural Carrier" permits as provided in WAC 480-12-105, and thirty-five dollars for applications for a change of corporate name. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.

(2) Notwithstanding the foregoing, applications to register ICC operating authority with the Commission shall be accompanied by the fee of twenty-five dollars for motor carriers who have not previously filed currently effective applications for such registration and the fee of ten dollars for motor carriers who have previously filed currently effective applications for such registration.

(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper only, such paper to be of standard letter size, 8 1/2 by 11 inches. [Order R-50, § 480-12-030, filed 8/8/73; Order R-24, § 480-12-030, filed 4/16/71; Order R-5, § 480-12-030, filed 6/6/69, effective 10/9/69.]

WAC 480-12-031 Petition to amend permit to incorporate commercial zone authority. (1) Any common carrier of general freight who in the usual and ordinary course of his business during the past twelve months immediately preceding the designation by Commission order of a commercial zone has served as an intercity carrier of general freight between any two cities in such zone shall notify the Commission of such fact within ninety days of such designation or July 11, 1977, whichever period may be longer.

(2) Such notification shall be in the form of a petition to the Commission to amend the carrier's permit to reflect the authority to serve as a common carrier of general freight between any points in a designated commercial zone. Such petition shall be made on forms furnished by the Commission, shall contain all the information required therein, and shall be accompanied by sworn, notarized statements and copies of freight bills and/or bills of lading in support of the petition. Notice of receipt of said petition will be published in an addendum to the Commission's weekly application docket. Facts set out in such petition or in any accompanying documents or exhibits may be challenged by protest filed with the Commission or on the Commission's own motion within 20 days of notice of receipt of such petition being published in the Commission's weekly application docket. Any petition failing to demonstrate the necessary factual prerequisite to commercial zone authority under this rule and RCW 81.80.400 may be denied after hearing. Failure to make such petition to the Commission as provided for herein shall constitute an abandonment of any rights a carrier may possess to serve as a common carrier of general freight between any points within a designated commercial zone other than such authority as may be explicitly authorized in the carrier's existing permit. [Order R-96, § 480-12-031, filed 5/4/77.]

WAC 480-12-033 Temporary permits. (1) The Commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the Commission will consider the following factors:

(i) A showing of an immediate and urgent need for the requested service;

(ii) The presence of lack of available service capable of meeting the need; and

(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the Commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within seven days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing, and able to provide service to their satisfaction.

(2) The Commission may also issue temporary permits pending the determination of an application filed with the Commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

(a) In determining whether or not the requested temporary authority will be granted, the Commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) (except a temporary permit which has been canceled within 20 days after date of issuance as hereinafter provided) or (2) above, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for

permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than 60 days after issuance of the temporary permit.

(4) The Commission may impose special terms and conditions in connection with granting of temporary permits. The Commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1):

> "This permit is subject to cancellation any time within 20 days after date of issuance, if the Commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of 15 days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner.

(a) Emergency temporary authority may be authorized upon application to the Commission or any of its duly authorized agents upon payment of the fee set by WAC 480–12–030 and the furnishing of proof of possession of public liability and property damage insurance in limits of at least twenty–five thousand dollars for injury or death of any one person, and, subject to such limit as to any one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance. [Order R–50, § 480–12–033, filed 8/8/73; Order R–24, § 480–12–033, filed 4/16/71.]

WAC 480–12–045 Application for permanent authority, docketing--Protests--Hearings. For the purposes of this rule, applications for permanent authority shall include applications for permanent common or contract carrier authority or extensions thereof, requests for authority to transfer outstanding common or contract carrier permits, and requests for authority to acquire control of common or contract carriers.

(1) All applications for permanent authority (except applications for combination of services, log contract carriers, filed under the provisions of RCW 81.80.060), shall be published in the Commission's weekly application docket, to be mailed on the first business day of each week.

(2) The weekly application docket will set forth the name and address of the applicant and the name and address of his attorney or agent, if any, and a description of the authority sought. The docket shall be mailed to the applicant, and, upon written requests to all carriers, or their attorneys or agents, and to other persons having a valid interest in application proceedings.

(3) (a) Any person having a valid interest adverse to the application may file with the Commission its protest to the application, in two copies, within 30 days after the date of the weekly docket on which the application was published. A copy of the protest shall also be served upon the applicant's attorney or agent (or applicant if no representative is named in the docket), and there shall appear on the copies filed with the Commission a Certificate of Service reading: "I hereby certify that I have this day served a copy of this protest upon the applicant or his attorney or his authorized agent by mailing it properly addressed with postage prepaid" and followed by date and signature of the protesting person, his attorney or his authorized agent.

(b) Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. If the protest is directed to only a portion of the rights sought, the protestant shall set forth that portion to which it objects. In the case of applications made under RCW 81.80.270, if an allegation of inactivity is directed to only a portion of the rights involved in the transaction, the rights alleged to be inactive shall be specifically set forth. Where a protestant has a limited interest in an application, which possibly could be eliminated by a restrictive amendment to the application, which amendment must be acceptable to the Commission, it may also include in the protest an offer to withdraw the protest in the event of acceptance by applicant and the Commission of such amendment. Protests shall set forth the approximate number of witnesses to be presented by the protestant and an estimate of the hearing time for such presentation. Protests shall contain a certification that, if an oral hearing is held, the protestant will appear at the hearing.

(c) Protests may be signed either by the protesting party or by his duly authorized attorney or agent; and if by attorney or agent shall contain the name of the person or persons in whose behalf the same is filed. Protests also may be filed in the name of a transportation industry organization, association, or conference on behalf of its members and shall specify the names of the individuals in whose interests it is filed. Such protests shall be signed by an authorized representative of the organization, association, or conference, and the organizations, associations, or conferences filing such protests shall maintain on file with the Commission lists of their current membership.

(d) No person who fails to file a protest as provided herein will be permitted to intervene at the hearing. Failure seasonably to file a protest as provided herein will be construed as a waiver of opposition and participation in the hearing.

(e) Protests not in reasonable compliance with the requirements of this subsection shall be rejected by the Commission.

(4) (a) Unless applicant has certified at the time of filing the application that it is ready to proceed upon the expiration of the 30–day protest period, if protests to its application have been filed, applicant shall, within 30 days after the period for filing protests has expired, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure so to notify

the Commission will be construed to mean that applicant has no further interest in the application, and the application will thereupon be dismissed by the Commission.

(b) Notice of the time, date, and place of hearing will be given to all parties of record.

(c) A request by any party for a change in the time, date, or place of an assigned hearing must be in writing, must set forth good and sufficient cause for the request, and be filed with the Commission not less than 10 days before the assigned hearing date and must be served on all other parties. Only in emergency circumstances may such request be filed less than 10 days before the assigned hearing date and shall set forth in writing the reasons therefor and must be served on all other parties. Notice of change in time, date, or place of hearing will be given to all parties of record by the Commission.

(5) (a) Except for good cause shown, any application upon which a hearing has been ordered by the Commission shall be dismissed without further notice for failure of the applicant to appear at the hearing and present evidence in support of its application and said dismissal may provide that the application may not be refiled for a period of 90 days thereafter. Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund.

(b) Except where a restrictive amendment has been made as provided in subdivision (3)(b) of this section, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing thereon shall be construed as a waiver of its right to participate further in the proceedings, and the protest of such person shall be deemed abandoned.

(6) If the period for filing protests expires without any protest having been filed with the Commission, or if a protest has been filed and is later withdrawn or abandoned, the Commission may allow the application to be presented by verified statements. If the application is processed without hearing, the applicant shall, within 15 days of being notified, submit verified statements of witnesses containing the facts to which the witnesses would testify at a hearing if one were held, and otherwise such application shall be dismissed. [Order R-70, § 480-12-045, filed 1/29/75, effective 3/1/75; Order R-48, § 480-12-045, filed 6/13/73; Order R-36, § 480-12-045, filed 4/5/72; Order R-24, § 480-12-045, filed 4/16/71; Order R-5, § 480-12-045, filed 6/6/69, effective 10/9/69.]

WAC 480-12-050 Transfer of permit rights. (1) For purposes of this section applications for transfer of permit rights shall include requests for authority to transfer outstanding common or contract carrier permits or portions thereof, and requests for authority to acquire control of common or contract carriers holding permits through ownership of their stock or through purchase, lease or contract to manage the business, or otherwise, as provided in RCW 81.80.270.

(2) Applications for transfer of permit rights shall be subject to the docketing, hearing, and protest provisions of WAC 480-12-045: *Provided*, That applications need not be published in the Commission's weekly application docket subject to protest, and the Commission may grant the requested authority without hearing in the following cases:

(a) Transfers authorized by the proviso of RCW 81-.80.270 and transfers authorized by RCW 81.80.272.

(b) Transfers for the purpose of changing the business organization, where the Commission finds that the transfer will result in no change in ownership, management, or control of the carrier operations.

(3) The transferor (seller) or someone familiar with the details of his business will be required to be present if a hearing is held on the application. The transferee (buyer) is also required to be present at the hearing. In case either of these parties is a corporation, a duly authorized representative familiar with the details of the corporation's business will suffice, as will one of the partners having familiarity with the business of the partnership. Transferee will be required to establish his, or its, fitness, willingness, and ability to conduct operations under the authority sought to be transferred.

(4) (a) If a hearing is held on the application, the permit holder will be required to produce proof that said permit holder was ready, able and willing, and so held himself out to the public to handle the traffic in question within the territory involved.

(b) Bills of lading or other records, as evidence of freight movements, if available, shall be produced by the permit holder and must be segregated by commodity groups and territory. A summary sheet shall be offered in evidence which lists, by commodity groups and territory, each bill of lading or other shipping document by number, date, commodity, weight, point of origin, point of destination, consignor and consignee. The summary sheet shall show whether it contains all shipments or only representative shipments. If representative shipments are shown, the basis for selection shall be explained, and be representative of the traffic handled, throughout the one year test period hereinafter described.

(c) A period of one year immediately prior to the date on which the application was filed shall be examined for evidence of operations. Where effective control of the operations of the permit holder has passed to the transferee prior to the date on which the application was filed, a period of one year immediately prior to the date that effective control passed to the transferee shall be examined for evidence of operations. Upon a finding that unusual circumstances existed the Commission may use a different period, prior to the date the application was filed.

(d) The parties to a transfer may offer, and if offered, the Commission shall give consideration to the nature of operating authority, the amount of traffic that is available in the territory in question, the type of equipment the carrier has had in his or its possession and suitability of the equipment for the traffic in question, the extent of active solicitation of such traffic, and the type of solicitation, whether the operation in question is one of regular or irregular route, whether scheduled or nonscheduled, whether the traffic demands employees having special skills and whether the permit holder had

such skilled employees, and all other facts and circumstances tending to show whether or not the permit holder was at all times ready, able and willing and so held himself out to the public, to handle such traffic in question within the territory involved.

(e) In the event a cessation of operations occurred during the test year when service would normally be expected, the proposed transfer or acquisition of control will be denied unless the permit holder shows that such cessation was caused by circumstances over which he had no control.

(5) In the case of applications to transfer outstanding permit rights or acquire control of a carrier holding a permit, if any rights in the subject permit are not authorized to be transferred or acquired, the application shall be denied in its entirety unless applicants consent to the elimination from the permit of such rights in writing within 30 days of a final determination of the application. If the application is for transfer of a part only, of a right or rights in a permit, it will be denied if it is found that the partition would create duplicative rights, would divide rights at a point other than along clearly defined geographical or political lines, or permit minute or multiple division of operating rights, or would permit the separation of a commodity or commodities from a class of substantially related commodities or from a commodity classification set forth in Appendix "A" herein, entitled "Classification of Brokers, Forwarders and Motor Carriers of Property".* The Commission will not accept restrictive amendments to applications for the transfer of a permit or a portion thereof nor will it impose restrictive conditions on such a transfer where it is found that the restrictive amendment or conditions requested by the parties would divide rights at a point other than along clearly defined geographical or political lines, or would permit the separation of a commodity or commodities from a class of substantially related commodities or from a commodity classification set forth in Appendix "A" herein entitled "Classification of Brokers, Forwarders and Motor Carriers of Property".* The Commission will not approve the transfer of a permit or a portion thereof where the transferee does not intend to engage in bona fide motor carrier operations under the operating rights or if the transferor acquired the operating rights for the purpose of reselling said permit rights or otherwise trafficking therein for profit. No transfer will be authorized of rights to a transferee where an affiliate of the transferee already has substantially duplicating territorial and commodity rights. Transfers except those involving acquisition of control, will not be authorized until all claims for loss and damage against a transferor are settled or until all C.O.D. collections made by the transferor are remitted. If authorized, transfer will include identification stamps, tariffs, and regulatory fees.

*In the case of the commodity classification "General Freight" where such authority was issued prior to May 1, 1944, the Commission construes such authority to include all other commodity classifications and will permit the separation of a commodity classification from such general freight authority provided such separation meets the other requirements of subsection (5).

[Order R-24, § 480-12-050, filed 4/16/71; Order R-5, § 480-12-050, filed 6/6/69, effective 10/9/69.]

WAC 480-12-065 Permits, canceled--New application. Where a permit is canceled by the Commission for cause, and which cause is not the fault of the permittee, he may secure a new permit in less than 30 days, providing he shall have filed a new application within 30 days after date of cancellation. Such new application must be accompanied by application fee only. If not filed within 30 days, then application shall be considered in all respects as a new application and accompanied by full fees. [Order R-5, § 480-12-065, filed 6/6/69, effective 10/9/69.]

WAC 480-12-070 Permit rights defined--Classification of carriers. Rights contained in permits shall be defined and construed, and carriers classified according to Appendix "A" herein, entitled "Classification of Brokers, Forwarders and Motor Carriers of Property". Where specific territory or areas in permits are designated by geographical names, these shall have the meanings stated in Appendix "A" for all permits. Example: When the term Southwest Washington is used it shall mean the said specified counties or portions thereof as listed in Appendix "A". [Order R-5, § 480-12-070, filed 6/6/69, effective 10/9/69.]

WAC 480-12-075 Permit phraseology defined. (1) Scheduled service means service at specified intervals between fixed termini and over a regular route.

(2) Nonscheduled service means service at any time over a regular route.

(3) Regular Route is a fixed route between specified termini.

(4) Irregular Route is a route between unnamed points.

(5) Radial service is a service to or from a named point.

(6) Nonradial service is a service between any points in a specified territory. [Order R-5, § 480-12-075, filed 6/6/69, effective 10/9/69.]

WAC 480-12-080 "Local cartage" defined, and restrictions. (1) Except as provided in subsection (3) hereof, no permit authorizing service to a county or section of the state shall authorize motor carrier service wholly within the corporate limits of incorporated cities therein having 10,000 population or over unless operations within such cities have been exempted from regulation by order of the Commission. Authority to perform local cartage service in the regulated cities hereinafter enumerated must be obtained separately in the usual manner and must be specifically identified in the permit. Cities having a population of 10,000 or over and regulated by the Commission are: Seattle, Tacoma, Spokane, Aberdeen, Bellevue, Bellingham, Bremerton, Everett, Hoquiam, Longview, Olympia, Port Angeles, Puyallup,

Renton, Vancouver, Walla Walla, Wenatchee, Yakima, Moses Lake, Pullman, Pasco, Kennewick and Richland. Cities having a population of 10,000 or more but less than 30,000 which shall be exempt from regulation except upon further general order of the Commission are: By General Order M. V. No. 178, dated March 3, 1965, Edmonds, Mountlake Terrace, Mercer Island (city), Kent and Auburn, and by General Order M. V. No. 199, dated April 17, 1968, Ellensburg.

(2) Local cartage service is picking up freight and delivering it in the same city, or area composed of one of the cities named above plus a contiguous city whether such contiguous city is one of those named or a city of less than 10,000 population, and shall not be confused with picking up line haul freight moving to another city or delivering line haul freight transported from some other city, commonly known as pickup and delivery.

(3) Permits authorizing the transportation of logs, untreated poles or untreated piling in a given area of the state, should they embrace any regulated corporate city, will authorize service wholly within the corporate limits of any such cities, plus a contiguous city, if any.

(4) No "Line Hauler" common carrier shall pick up freight in cities under regulation and turn same over to some other line haul common carrier for transportation to destination unless local cartage rights are specified in his permit.

(5) The scope of "Local Cartage" permit authority in corporate cities of 10,000 population or over, and contiguous city, if any, shall include such adjacent metropolitan areas as are defined in the Commission's Tariffs No. 1-A, 2-A, 3-A or 12, as the case may be, effective before September 6, 1960, except as individual permits may otherwise provide. Future definitions of the scope of "Local Cartage" permit authority in such adjacent metropolitan areas shall not be by Commission tariffs but only by general order of the Commission. [Order R-66, § 480-12-080, filed 5/8/74; Order R-5, § 480-12-080, filed 6/6/69, effective 10/9/69.]

WAC 480-12-085 Common or contract carrier may not act as private carrier. No Common or Contract Carrier shall operate any vehicle as a private carrier in transporting property owned or being bought or sold by him or it, while said vehicle is registered under his or its permit, except after approval by the Commission and a finding that such operation will be in the public interest. The provisions of this rule shall not apply to carriers of forest products or carriers engaged in the operation of dump trucks.

Any violation of this rule shall be grounds for cancellation of carrier's permit. [Order R-5, § 480-12-085, filed 6/6/69, effective 10/9/69.]

WAC 480-12-090 "Off-route points" defined. Common Carriers holding permits over regular defined routes and between fixed termini will be allowed to go off route to serve intermediate points or places for a distance of not to exceed one mile, west of the Cascade Mountains and three miles east of the Cascade Mountains, and provided further, if the incorporated limits of any city or town is adjacent to, on, or within these distances of the defined route, then service will be permitted within such incorporated limits, for pick-up and delivery only. Any carrier desiring to serve points more than one mile off route in Western Washington and more than three miles off route in Eastern Washington, which points are undefined or unnamed in his permit must first secure authority from the Commission. [Order R-5, § 480-12-090, filed 6/6/69, effective 10/9/69.]

WAC 480-12-095 "Intermediate points" defined. (1) Common Carriers holding permits authorizing service between specifically named points and over a regular route shall be allowed to serve all intermediate points unless otherwise stated in the permit.

(2) If no route is specified but points between which service is authorized are named, the service is presumed to be via direct traveled route or routes used by trucks, and not a round-about route, even though it may be used by trucks. [Order R-5, § 480-12-095, filed 6/6/69, effective 10/9/69.]

WAC 480-12-096 Seattle commercial zone defined. Pursuant to the Commission order of February 7, 1977 in Cause No. TV-832, the following area is designated as the Seattle Commercial Zone:

(a) The municipality of Seattle itself.

(b) All points within a line drawn 5 miles beyond the municipal limits of Seattle except points on Bainbridge Island, Vashon Island, and Blake Island.

(c) All points more than 5 miles beyond the municipal limits of Seattle (1) within a line as follows: Beginning at that point south of Seattle where the eastern shore of Puget Sound intersects the line described in paragraph (b) of this section, thence southerly along the eastern shore of Puget Sound to Southwest 192nd Street, thence easterly along Southwest 192nd Street to the point where it again intersects the line described in paragraph (b) of this section; and (2) within a line as follows: Beginning at the junction of the southern corporate limits of Kent, Washington and Washington Highway 181, and extending south along Washington Highway 181 to the northern corporate limits of Auburn, Washington, thence along the western, southern, and eastern corporate limits of Auburn to the junction of the northern corporate limits of Auburn and Washington Highway 167, thence northerly along Washington Highway 167 to its junction with the southern corporate limits of Kent, Washington, including all points on the highways named.

(d) All points more than 5 miles beyond the municipal limits of Seattle within a line as follows: Beginning at the junction of the Northern corporate limits of Lynnwood, Washington, and U. S. Highway 99, thence north along U. S. Highway 99 to its junction with Washington Highway 525, thence along Washington Highway 525 to its junction with West Casino Road, thence east along West Casino Road to the western boundary of the Everett facilities of the Boeing Co. at or near 40th Avenue West, thence along the western, northern and eastern boundaries of the facilities of the

Boeing Co. to West Casino Road, thence east along West Casino Road to its junction with U. S. Highway 99 thence south along U. S. Highway 99 to 112th Street, thence easterly along 112th Street to its junction with Interstate Highway 5, thence southerly along Interstate Highway 5 to its intersection with the present zone limits, including all points on the named routes.

(e) All of any municipality any part of which is within the limits set forth in (b) above.

(f) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the City of Seattle or by any municipality included under the terms of (b) above. [Order R-97, § 480-12-096, filed 5/4/77.]

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 480-12-105 Primary agricultural carriers. (1) "Primary Agricultural Carrier" is a classification of carriers who are engaged in the transportation of unprocessed or unmanufactured agricultural commodities from farms or fields to processing plants, warehouses, or to stock piles or railheads for furtherance to processing plants, for distances not exceeding those specified in RCW 81.80.175.

(2) "Primary Agricultural carriers" shall be subject to existing applicable Commission tariffs or rules, except carriers transporting potatoes and sugar beets may file rate contracts or agreements, or carriers' own tariff of rates subject only to the Commission's Tariff No. 4-A, which rates shall be minimum rates. [Order R-70, § 480-12-105, filed 1/29/75, effective 3/1/75; Order R-24, § 480-12-105, filed 4/16/71; Order R-5, § 480-12-105, filed 6/6/69, effective 10/9/69.]

WAC 480-12-110 Permit, must abide by--"Tacking"--Extension. (1) A permit to operate as a common or contract carrier shall embrace authority for a certain specific route, or routes, or territory, and for a certain specific commodity or commodities over the routes or within the territory so authorized. The permit shall also show the type of service, whether scheduled or non-scheduled, whether over regular or irregular routes and whether radial or non-radial service.

(2) No change of service may be made without a revision of permit by the Commission.

(3) Every carrier must adhere strictly to the scope of his permit and any deviation will be a violation thereof.

(4) Permits authorizing service within a certain radial distance from a given point shall be construed as authorizing such service within the given distance by "Road Miles" rather than by "Air Miles".

(5) A common carrier of general freight may combine, join, or "tack" any regular route authorities contained in its permit so long as the combining, joining, or "tacking" is conducted through a common point, which point can be either terminal or intermediate on either route and need not be named. No common carrier of general freight having both regular route authority and irregular route authority in its permit shall combine, join, or "tack" such authorities to provide a through service except upon application to the Commission and its finding that such through service will be in the public interest. No common carrier of general freight shall combine, join, or "tack" any irregular route authorities contained in its permit.

(6) The operating authority of a permit holder cannot be extended except upon order of the Commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality. [Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.]

WAC 480-12-115 Revision of permit. As a basis for revision or cancellation of carrier's permit, where such is necessary because of non-use of permit rights, the Commission shall consider the nature of the operating authority, the amount of such traffic that is available in the territory in question, the type of equipment the carrier has had in his possession and its suitability for the traffic in question, whether the carrier has actively solicited such traffic by advertising or other forms of solicitation, whether the operation in question is of a regular route or irregular route nature and whether the operating authority provides for scheduled or non-scheduled service, whether, if the traffic demands employees with special skills, the operator had in his employment such employees, and all other facts and circumstances that might have a bearing on whether the operator was ready, able and willing, and so held himself out to the public, to handle such traffic in question within the territory in question. In making its determination of the need for revision or cancellation of permit, the Commission will consider such period but shall not be limited to consideration of the business of the preceding 12 months. The weighing of the factors involved in the operation which have been stated above may enable the Commission to use a different test period. [Order R-5, § 480-12-115, filed 6/6/69, effective 10/9/69.]

WAC 480-12-120 Permits, location of. Permits must be kept at the main office of the carrier except when required to be transmitted to the Commission for revision, amendment or cancellation. [Order R-5, § 480-12-120, filed 6/6/69, effective 10/9/69.]

WAC 480-12-121 Operating authority on vehicles. Permit holders must carry a copy of the operating authority issued by the Washington Utilities and Transportation Commission on each power unit operated in intrastate operations. As many copies as requested will be furnished by the Commission.

The Commission may waive the requirements of this rule for good cause shown. [Order R-34, § 480-12-121, filed 12/8/71.]

WAC 480-12-125 Lost permits. Application for the issuance of a duplicate permit shall be in writing and accompanied by an affidavit of the holder thereof showing that the original permit has been lost or destroyed, and shall be accompanied by a fee of two dollars.

Should the original permit subsequently be found, it must be forwarded to the Commission immediately. [Order R-5, § 480-12-125, filed 6/6/69, effective 10/9/69.]

WAC 480-12-126 Registration of interstate authority. It shall be unlawful for any carrier to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the Commission.

It shall also be unlawful for a carrier to perform a transportation service for compensation on the public highways of this state as an interstate carrier of commodities included in the exemptions provided in section 203(b) of the Interstate Commerce Act without having first registered as such a carrier with the Commission.

Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee, as set by WAC 480-12-030. [Order R-50, § 480-12-126, filed 8/8/73; Order R-34, § 480-12-126, filed 12/8/71.]

WAC 480-12-127 Registered carriers. (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be Registered Carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "RC". Those operating under the exemptions of the Federal Motor Carrier Act shall be prefixed "RE". Those presently holding permits with the Washington Utilities and Transportation Commission shall be automatically converted to Registered Carriers with the

same registration number as under their present permit. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington Utilities and Transportation Commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as Part 1023 of Title 49 of the Code of Federal Regulations. Notwithstanding the provisions of any rule herein contained, carriers who qualify may elect to operate in strict accordance with such rules.

(3) "RC" carriers may meet insurance requirements by filing with the Washington Utilities and Transportation Commission a copy of their insurance filing with the Interstate Commerce Commission. "RE" carriers must meet the same insurance requirements as for permit holders as required by WAC 480-12-350, 480-12-355, 480-12-360 and 480-12-365.

(4) All Registered Carriers and Permit Holders must file and keep current an equipment list of power vehicles being used exclusively in interstate commerce where the vehicle actually crosses the state line. [Order R-34, § 480-12-127, filed 12/8/71.]

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 cab 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 semitrailers 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.

Prenumbered 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.

Prenumbered 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 extend [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 480-12-135 Cards--Return required--Loss of--Improper use of cards or stamps. (1) Upon revocation of a permit or cessation or abandonment of service under a permit, or when equipment is repossessed, the holder thereof shall immediately return to the Commission the original permit, together with identification cab cards.

(2) The loss of identification cab cards and/or stamps shall be immediately reported to the Commission.

(3) The use of an identification cab card by any person or firm other than the one who prepared it is unlawful. No stamp may be used by any carrier other than the one purchasing it.

(4) The use of an identification cab card without the appropriate stamp firmly affixed is unlawful.

(5) Except as unassigned identification cab cards are properly used as provided for in WAC 480-12-130, each motive power vehicle must have its own assigned

identification cab card, and the use of a card on a vehicle other than the one for which it has been prepared is unlawful. [Order R–5, § 480–12–135, filed 6/6/69, effective 10/9/69.]

WAC 480-12-140 Equipment, standby. Every common carrier operating a scheduled service shall have sufficient standby equipment to meet all reasonable demands upon him for transportation on occasions when equipment may be withdrawn for ordinary repairs, including such equipment as may be needed for auxiliary or substitution purposes. [Order R–5, § 480–12–140, filed 6/6/69, effective 10/9/69.]

WAC 480-12-150 Equipment--Name and permit number. All common and contract carriers shall have painted in contrasting colors on both sides of their trucks and trailers in letters at least four inches high, the name of the permittee, or business name, and the permit number. On tractors, logging trucks, stake bodies, flat beds and dump trucks, this information may be placed on the cab if so desired. Tank trailers may have this information placed on the side of the cab of the power unit. This rule will not apply to trucks and trailers under lease, except that such equipment shall bear a placard indicating the name and permit number of the operator of said equipment.

The Commission in its discretion, may authorize the carrier to use initials, insignia, decals, et cetera, when in the opinion of the Commission such device adequately identifies the carrier.

Common carriers holding both intrastate and interstate authority between points within the state and in addition possess interstate authority between points in the state and points outside the state may at their option use their ICC permit number in lieu of the Washington Utilities and Transportation Commission permit number otherwise required by this rule upon authority of the Commission so to do. [Order R–45, § 480–12–150, filed 4/18/73; Order R–40, § 480–12–150, filed 12/6/72; Order R–5, § 480–12–150, filed 6/6/69, effective 10/9/69.]

WAC 480-12-155 Equipment--Interchange of. (1) The interchange between carriers of trucks or tractors operating under their own power is forbidden.

(2) The interchange of trailers or semi–trailers is permissible between connecting regular route carriers only. Braking equipment on tractors or trailers must be similar, and proper connections between vehicles must be made. A properly executed interchange agreement must be filed with and approved by the Commission before interchange movement takes place. Such agreement shall specify the point or points at which the interchange is to take place. [Order R–5, § 480–12–155, filed 6/6/69, effective 10/9/69.]

WAC 480-12-160 Disabled motor vehicles--Substitution. In the event a motor vehicle operated under a permit becomes disabled while en route, temporary substitution therefor of a vehicle whether operated under a permit or not may be made for the purpose of completing the trip. Such substitute equipment shall not be used other than in the completion of such trip, and such substitution shall be immediately reported to the Commission. [Order R–5, § 480–12–160, filed 6/6/69, effective 10/9/69.]

WAC 480-12-165 Equipment--Inspection--Ordered for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the Commission and its duly authorized representatives who shall have power to order out of service any vehicle which in their judgment is unsafe or is not being operated in compliance with State laws in regard to equipment or method.

(2) Duly authorized Commission personnel shall order any piece of equipment in need of repairs to be properly repaired, and this equipment shall not be used in further service until a certificate of correction is forwarded to the Commission. A certificate of correction form will be furnished by the Commission. Additional forms may be obtained from any office of the Commission. [Order R–5, § 480–12–165, filed 6/6/69, effective 10/9/69.]

WAC 480-12-170 Equipment of carrier suspended. (1) The operation of his equipment IN ANY MANNER by a carrier whose permit has been suspended, either through leasing or otherwise, shall result in cancellation of the permit. All suspended equipment shall be stored at convenient places on carrier's route.

(2) Where a carrier, whose permit has been suspended, desires to lease his equipment during the suspension period, he shall make application to and secure the approval of the Commission. [Order R–5, § 480–12–170, filed 6/6/69, effective 10/9/69.]

WAC 480-12-175 Equipment--Loads above tank. No permit shall be issued without a hearing for the operation of a tank truck constructed for carrying loads above the tank. [Order R–5, § 480–12–175, 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

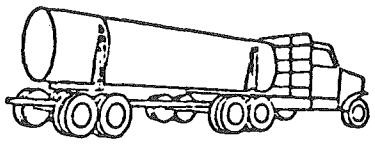
sufficient amount of the pipe extends over the binder handle.

(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.

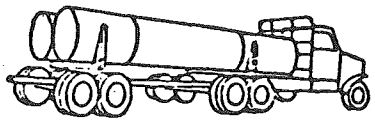
PLACEMENT AND NUMBER OF WRAPPERS

One log load



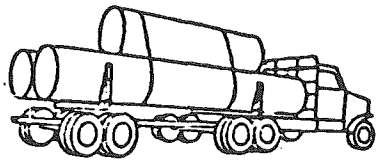
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



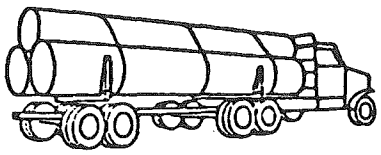
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty–four feet or less



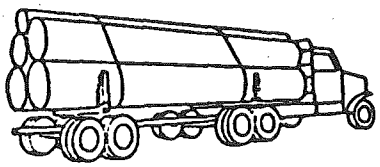
A minimum of two wrappers required.

Three or four log loads more than forty–four feet



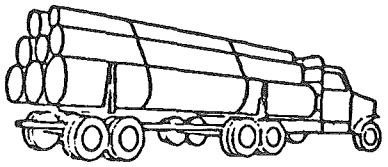
A minimum of three wrappers required.

Five or six log load
all logs seventeen feet or less



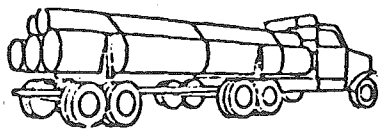
A minimum of two wrappers required.

Seven or more log load
all logs seventeen feet or less



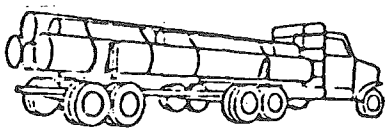
A minimum of two wrappers required.

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



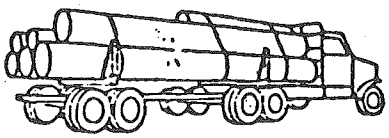
A minimum of three wrappers required.

Outside logs or top logs



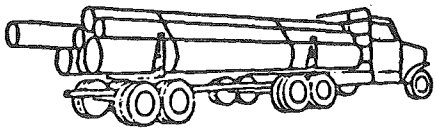
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



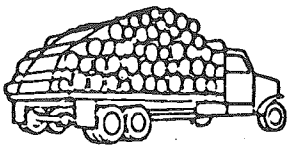
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

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 480-12-185 Equipment, lawful operation of. (1) Every "motor carrier" shall comply with the motor vehicle laws of the State relative to the operation of, inspection of and maintenance of all equipment operated by him.

(2) Failure of any permit holder to obey and comply with all motor vehicle safety laws of the State shall be grounds for cancellation of permit. [Order R-5, § 480-12-185, 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, [marketing][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 the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.

(3) 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 80.01.040, 81.80.130, and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01-.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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 480-12-205 Passengers--Carrying prohibited--Exceptions. No "Motor Carrier" shall transport persons with or without compensation on a vehicle used for transporting property: *Provided*, That an operator may carry employees or other persons in connection with the load being transported or to be transported. [Order R-5, § 480-12-205, filed 6/6/69, effective 10/9/69.]

WAC 480-12-210 Leasing. Other than equipment exchanged between motor common carriers in interchange service, as provided in WAC 480-12-155, common or contract carriers may perform common or contract transportation in or with equipment which they do not own only In accordance with this leasing rule.* The arrangement for such equipment shall contain the provisions provided for in this rule and be prepared in the manner so provided, and the parties to the lease shall observe such provisions and manner of preparation. Any failure to so observe the provisions of the lease and/or the manner of preparation shall be a violation of this rule.

(1) Contract Requirements.

The contract, lease, or other arrangement for the use of such equipment shall:

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

(b) Be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, [or] leases, or other arrangements;

(c) Specify the period for which it applies which shall not be less than thirty days when the equipment is to be operated for the common or contract carrier by the owner, or by an employee of the owner: *Provided*, That for good cause shown the commission may, by order, grant a waiver of this subdivision and of subdivision (e) to the extent of permitting leases of less than thirty days duration in connection with equipment operated by the owner or by an employee of the owner;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said contract, lease, or other arrangement, except, however, in the case of long term leases providing for intermittent operations entered into between household goods carriers authorized for the intrastate transportation of household goods as defined by this commission, such provisions need only apply during the period the equipment is operated by or for the lessee;

(e) Provide that during the period of the lease, contract, or other arrangement the driver of the leased vehicle shall be to the lessee as servant to master and the driver shall be on the payroll of the lessee, and shall be paid by the lessee, except that in the case of a long term lease entered into by a common carrier of mobile homes, the driver may be the owner of the equipment or an employee of the owner;

(f) Specify the compensation to be paid by the lessee for the rental of the leased equipment. Such compensation shall be a specified sum per period of time, i.e. per month, per week or a specified sum per period of time of

time plus a specific sum per mile of use. The amount of compensation specified and accordingly paid shall not be based upon a division of revenue, except such method of compensation shall be permissible (i) between authorized carriers of household goods when the leased equipment is used for the transportation of household goods as defined by this commission and (ii) between an authorized common carrier of mobile homes and an owner of equipment under a long term lease;

(g) Specify the time and date or the circumstances on which the contract, lease, or other arrangement begins and the time or the circumstances on which it ends;

(h) Be executed in quadruplicate and submitted to the commission for approval. The approved original shall be retained by the common or contract carrier in whose service the equipment is to be operated, one approved copy shall be retained by the owner of the equipment, one approved copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement[,] and one approved copy shall be retained in commission files, except that (i) a master lease agreement outlining in detail the leasing arrangements between specifically named parties may be filed for approval in lieu of separate leases in connection with each occurrence, and that (ii) leases covering transportation in interstate commerce need not be filed: *Provided*, That leased equipment is not acquired and operated under the provisions of subdivision (i) of this subsection;

(i) Where the leased equipment is acquired and operated by the lessee on a long term lease pursuant to rules and regulations of the interstate commerce commission governing such a lease, and the operation of the leased equipment is primarily in interstate commerce not performed wholly within the bounds of this state, and the use of such equipment in intrastate commerce has an immediate prior and immediate subsequent movement in interstate commerce from or to points without this state, the operation of such equipment may be governed by rules and regulations of the interstate commerce commission governing such a lease, *Provided*, That the total annual use in intrastate commerce does not exceed 15% as compared to its use in interstate commerce, and foregoing provisions of subdivisions (a), (b), (c), (d), (e), and (f) of this section shall not apply. For purposes of this subdivision "immediate" shall mean there shall be no haul between the initial qualifying interstate movement and the intrastate haul nor between the intrastate haul and the subsequent interstate movement.

Common and contract carriers wishing to operate under the provisions of this subdivision shall apply to the commission for permission to do so, setting forth facts supporting the application.

(2) Identification.

The common or contract carrier acquiring the use of equipment under this rule shall properly and correctly identify the equipment as being operated by the lessee during the period of the lease, contract, or other arrangement, in accordance with the requirements of WAC 480-12-150.

If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, plastic, or metal.

The common or contract carrier operating equipment under these rules shall remove any legend showing it as the operating carrier displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

(3) Rental of Equipment to Private Carriers, Shippers, Contractors and Combination-of-Service-Carriers.

(a) Unless such service is specified in their operating authorities, common or contract carriers shall not rent equipment with drivers to private carriers or shippers.

(b) Common or contract carriers shall not rent, contract or lease, or by other arrangement furnish, equipment without drivers to private carriers or shippers without first having obtained approval of the rental contract from this commission and, in this connection, the commission will examine the terms of the rental agreement and all facts and circumstances surrounding it to determine the effect of the lease insofar as established rates and operating authority is concerned.

(c) Dump trucks and logging trucks shall not be leased or rented by common or contract carriers to construction contractors, loggers, combination-of-service carriers or other parties engaged in logging and construction operations: *Provided* (i) common or contract carrier dump truckers may enter into an arrangement involving rental or leasing of trucks to highway construction contractors who are required by state or federal law to submit certified payrolls: (ii) such rental or lease arrangements must be filed with and approved by the commission; (iii) the total payments for and to the trucker under such rental or lease arrangements must be the equivalent of the charges which trucker would earn under applicable common carrier tariff rates; (iv) the contractor may not assess any charges against the carrier for accounting or bookkeeping expenses or make any deductions from rate charges earned which the common or contract carrier dump trucker is not legally liable to pay; (v) the common or contract carrier dump trucker must have the required permit authority for the territory and the commodities involved. [Statutory Authority: RCW 80-01-040, 81.80.130, and 81.80 140. 80-13-061 (Order R-151, Cause No. TV-1373), § 480-12-210, filed 9/17/80; Order R-5, § 480-12-210, filed 6/6/69, effective 10/9/69.]

*Reviser's Note: The language in the first sentence is set forth exactly in the form as filed by the agency.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-12-215 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a for-hire transportation

service and the Commission shall institute proceedings to determine if the lessor should be classified as a common or contract carrier under the provisions of chapter 81.80 RCW and/or RCW 81.80.180.

Where, as a result of a classification hearing, the Commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the transportation act, chapter 81.80 RCW, or the rules and regulations of the Commission promulgated thereunder, or the applicable lawful tariffs, the Commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.80.180. [Order R-5, § 480-12-215, filed 6/6/69, effective 10/9/69.]

WAC 480-12-220 Unfair or destructive competitive practices by carrier operating under permit. (1) Every common or contract carrier shall conduct its operations under the name, corporate, trade or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which his permit is issued unless specific reference is made to the fact that the service is performed or offered as agent for another authorized carrier or as connecting carrier in conjunction with another authorized regular route scheduled carrier.

(2) No common or contract carrier shall adopt or conduct its operations under any corporate, trade or assumed name that is the same or deceptively similar to the name of any common or contract carrier already authorized to do business within the State of Washington unless:

(a) Said carrier received written consent of such other common or contract carrier prior to the adoption of its name or deceptively similar name; and

(b) Said carrier, in addition, receives the written consent of the Washington Utilities and Transportation Commission for the adoption of such name or deceptively similar name, and the Commission shall, prior to giving such consent, first find that the use of said name will not mislead the public as to the carrier or carriers with whom they are doing business, nor result in any unfair or destructive competitive practices in the business of the transportation of persons and property for hire by motor carrier.

(3) No common or contract carrier shall directly or by implication represent itself to the public as a carrier in respect to any service for which it does not hold authority except where the carrier represents that the service is performed or offered as an agent for another authorized carrier or as a regular route scheduled connecting carrier with another authorized regular route scheduled carrier.

(4) No common or contract carrier shall, by advertisement or other representation, hold itself out to the public as charging or collecting a smaller or different remuneration for the transportation of property than the rates and charges which have been legally established by the Commission. [Order R-5, § 480-12-220, filed 6/6/69, effective 10/9/69.]

WAC 480-12-225 Advertising on equipment. No common carrier or contract carrier shall display shipper advertising on any equipment registered or operated under its common or contract carrier permit authority unless such equipment is used exclusively for the account of the shipper in question, and then only upon application to and with the approval of such advertising arrangements by the Commission. [Order R-5, § 480-12-225, filed 6/6/69, effective 10/9/69.]

WAC 480-12-230 Service, scheduled, discontinuance of. No scheduled common carrier shall discontinue the service called for under his permit without first having given to the Commission and to the public at least fifteen days' notice in writing of the intention to discontinue such service, and having secured from the Commission permission so to do. Discontinuance of service without such notice shall be deemed a forfeiture of the permit of such carrier, provided that the Commission may permit the resumption of service upon good cause shown. Notice to the public shall be given by posting in the main and principal station or stations along such carrier's route. [Order R-5, § 480-12-230, filed 6/6/69, effective 10/9/69.]

WAC 480-12-233 Agreements for pooling of freight. Two common carriers, each holding operating authority between the same two points in the state, may enter into agreements as hereinafter provided. Such agreements shall be filed with and approved by the Commission and shall not constitute a discontinuance of service under WAC 480-12-230. The Commission may by order revoke the agreement, when investigation made by complaint or instituted upon the Commission's own motion, reveals that the agreement results in inadequate service being rendered to the public. Pooling-of-freight agreements, which provide that freight may be collected and delivered separately by each carrier and loaded as a combined load into a single unit of equipment of one of the carriers which is a party to the agreement, for a shipment intermediate to such collection and delivery, shall show the points between which such combined service is to be provided, the rate for the division of revenue for such combined shipments, and the period of time during which such agreement shall be in effect. [Order R-65, § 480-12-233, filed 3/6/74.]

WAC 480-12-235 Claims for loss or damage. (1) All claims for loss or damage must be acknowledged immediately. Carrier shall institute a thorough investigation of the merits of a claim without delay and shall settle or reject the claim as soon as responsibility is determined and the decision shall be promptly communicated to the shipper. Dilatory tactics by carrier will subject him to penalties.

(2) A record shall be made by every common or contract carrier covering each and every claim for loss or damage, concealed or otherwise, filed with the carrier

and settled by it. If the claim is participated in by two or more carriers the record shall so show and must be made by each carrier giving the pro rata paid by it.

(3) All claims must be numbered in consecutive sequence.

(4) A claim record must be maintained by every carrier for a period of not less than six years and all papers relating to a particular claim properly filed therein, subject to inspection by authorized representatives of the Commission. [Order R-5, § 480-12-235, filed 6/6/69, effective 10/9/69.]

WAC 480-12-240 Shipments on hand undelivered. (1) A notice of arrival of every shipment received at any terminal, on which delivery cannot be made, shall be mailed to consignee within twenty-four hours, and shall state that storage charges will accrue after free time as provided by applicable tariff rule.

(2) Such storage charges, if any, must be collected when delivery is made, or if shipment is returned to shipper, shall be treated as advance charges.

(3) After free time has expired any shipment remaining undelivered may be placed in storage in a licensed warehouse.

(4) Shipper or owner shall be immediately notified of such action. [Order R-5, § 480-12-240, filed 6/6/69, effective 10/9/69.]

WAC 480-12-245 Commissions. Commissions shall not be paid to any person, except in lieu of a salary, to an individual regularly employed in solicitation of traffic for one person, firm or corporation. No individual may solicit traffic for more than one carrier without a Broker's permit. [Order R-5, § 480-12-245, filed 6/6/69, effective 10/9/69.]

WAC 480-12-250 Accounts--Uniform system adopted--Reports. (1) The "Uniform System of Accounts" adopted by the Interstate Commerce Commission is hereby prescribed for the use of Class I and II Common and Contract Carriers in the State of Washington operating under chapter 81.80 RCW. A "Uniform System of Accounts" is hereby prescribed for the use of Class III and IV Common and Contract Carriers in the state of Washington.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following four classes:

Class I – Carriers having average annual gross operating revenues (including interstate and intrastate) of $5,000,000 or more from operations as motor carriers of property.

Class II – Carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 but less than $5,000,000 from operations as motor carriers of property.

Class III – Carriers having average annual gross operating revenues (including interstate and intrastate) of $100,000 but less than $1,000,000 from operations as motor carriers of property.

Class IV – Carriers having average annual gross operating revenues (including interstate and intrastate) of less than $100,000 from operations as motor carriers of property.

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

(3) Each Class III and Class IV Common or Contract Carrier must secure from the commission a copy of "Uniform System of Accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, Common and Contract Carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year.

(5) All Class I and Class II Common and Contract Carriers in the State of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers.

(6) Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual or quarterly reports.

(7) Annual reports filed by carriers holding Garbage and/or Refuse Collection Certificates and Common and/or Contract Carrier Permits must comply with reporting requirements provided in WAC 480-70-230. [Statutory Authority: RCW 80.01.040, 81.80.130, 81-.80.140, and 81.80.290. 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.]

WAC 480-12-253 Continuing traffic study instituted--Requirements--Penalties. (1) Each common carrier of property for compensation shall, when designated as a participant by order of the Commission, participate in a continuing traffic study, and such participation shall consist of making such reports as the Commission may direct upon prescribed forms, of information relating to the various movements of freight performed by the carrier.

(2) Each carrier which is designated as a participant shall continue to supply to the Commission the information required by this section until by order of the Commission such carrier is excused from further participation, and any failure to supply information required by this section will be deemed a violation of a Commission order, under the terms of RCW 81.04.380, and will subject the violator to the penalties therein prescribed: *Provided*, That no information supplied by any carrier under the provisions of this section shall be used in the course of any proceeding the object of which is the assessment of penalties for violations of any law or rule of the Commission other than this section. [Order R-56, § 480-12-253, filed 10/24/73.]

WAC 480-12-255 Contracts. (1) Contracts between contract carriers and their shippers shall be terminable within the period for which they are written only in the manner provided in the contract and upon not less than five days notice to the Commission and each contracting party, and every such contract shall so provide.

(2) No contract carrier shall operate under any individual contract or agreement for the transportation of property by motor vehicle, for compensation, with any shipper or shippers without having first filed with the Commission, and been approved by the Commission, an original or duplicate original contract covering such agreement. Every such agreement shall be mutually binding upon both shipper and carrier, entered into and performed in good faith, for an agreed compensation, for an agreed term, covering a series of shipments during a stated period of time in contrast to contracts of carriage covering individual shipments, and which contract mutually binds the carrier to transport and the shipper to supply a specific category and substantial amount of freight during the term of the contract, and which contract shall conform to the following requirements.

(3) The time or term of performance by both parties must be stated.

(4) The route and/or area involved in the performance of the contract must be stated.

(5) The kind and minimum quantity of the commodity or commodities to be transported must be stated definitely. This minimum quantity shall be a substantial amount of all tonnage of the class of commodities which is the subject of the contract, shipped by the shipper by truck during the term of the contract over the route or in the area covered by the contract. A "substantial" amount of tonnage shall be an amount sufficient to make possible the operation of the carrier's own equipment, at a profit.

(6) All contracts shall provide that the rates and charges governing such operation shall not be less than those contained in applicable Utilities and Transportation Commission tariff publication, save where Commission order specifically authorizes such deviation. The filing of changes in rates by contract carriers shall be placed on the Commission rate docket as provided in WAC 480-12-295 in the same manner as common carrier proposals: *Provided*, That this shall not be required for contract carriers engaged in package delivery service, retail store delivery service, armored car service, transportation of newspapers, United States mail, periodicals, film, bakery goods, dairy products, automotive vehicles, flowers, nursery stock, explosives, logs, poles, pulpwood, wood chips, hogged fuel, sawdust, wood shavings, garbage, refuse or debris.

(7) Where a contract carrier enters into more than four special and individual contracts with shippers, the Commission may enter into a hearing for the purpose of determining whether such carrier's operations are those of a bona fide contract carrier.

(8) Every contract filed shall also contain the provision that it is made subject to the power and authority of the Commission to fix, alter and amend just, fair, and reasonable classifications, rules and regulations and minimum rates and charges of contract carriers in intrastate service.

(9) No contract carrier shall sublet any hauling under any of his contracts, and in the event he is unable to meet the demands of the shipper for transportation of goods under any contract because of lack of facilities or otherwise, arrangements for the transportation of such commodities must be made by the shipper. Carriers subject to the provisions of this rule shall not act as agents of the shipper in such cases. [Order R-5, § 480-12-255, filed 6/6/69, effective 10/9/69.]

WAC 480-12-260 Bills of lading. (1) Each common carrier transporting property for compensation is required to issue at time of shipment a bill of lading setting forth complete information as hereinafter required.

(2) Bills of lading shall not be required on the following:

(a) Shipments of grain, fruits or vegetables from farms to elevators, processing plants or warehouses on hauls of not over 50 miles;

(b) On regular milk routes from dairy farms to creamery or markets;

(c) On dump truck work;

(d) Shipments of forest products or coal;

(e) Hauling of garbage or other worthless materials;

(f) Local cartage in cities subject to regulation; and

(g) Where other orders of the commission authorize exceptions to this rule.

The foregoing exceptions shall apply when, and only when, a daily trip record is kept showing all information necessary for the determination of legal charges such as number of trips made, miles traveled, tonnage, number of cans, cubic yards, cords, or other transportation units, and such trip record is carried in lieu of bills of lading. On shipments of logs a scale slip measurement, or where permitted, weight, must be carried. Local cartage carriers in the cities subject to regulation shall use either bills of lading or a local cartage delivery sheet, way bill or expense bill containing sufficient information to indicate the origin and destination and weight of the commodity and the number of packages in the shipment.

(3)(a) Bills of lading shall be those prescribed and set out in the governing classifications.

(b) Documents retained by carrier must be numbered and filed in numerical order at the main office of the

carrier for a period of 3 years, subject to inspection by the commission.

(c) Carriers may use a combination freight bill/bill of lading or other shipping form, providing that it incorporates all the essential provisions and contract terms and conditions of the standard bills of lading specified in (a).

(4) Bills of lading shall be issued in triplicate (or more) and shall consist of an original bill of lading, a memorandum bill of lading and a shipping order. The three documents shall be signed by shipper and carrier. Original and a memorandum copy shall be delivered to shipper. Shipping order must be retained by the carrier and must be numbered and filed in numerical order at the main office of the carrier for a period of three years subject to inspection by the commission. If freight bills or other documents are used in addition thereto, a cross reference shall be shown on bill of lading (shipping order) as filed. Unless freight bills are used the bill of lading must show all information required by subsection (6) of this rule. A copy of the bill of lading, manifest or freight bill, covering the goods being carried, must be in possession of the driver of the vehicle and subject to inspection by commission representatives.

(5) The goods covered by a bill of lading must be in the possession or control of the carrier at the time such bill of lading is issued. A bill of lading shall cover only goods received from one shipper, tendered at one time, picked up at one place, consigned to one consignee, at one destination and delivered to one place: *Provided, however*, That this rule shall not be construed as prohibiting a carrier from picking up or delivering separate portions contained in the bill of lading if such separate portions are identified and the provisions for such service are duly published in the applicable tariff.

(6) Common carriers who make a regular practice of issuing freight bills (or any equivalent documents by whatever term identified including "waybills" or "expense bills") are not required to show the "rate", "freight charges" or "total to collect" on bills of lading. Where freight bills or manifests are used they shall contain all the information necessary to ascertain the legal charges such as routing, exact location of shipper, origin station, exact location of consignee, destination station, number and kind of packages, complete description of goods which can be identified in tariff usage, and weight, miles, hours, or other units on which rates or charges are based and shall be retained in the files of the carriers in the same manner and for the same period required by subsection (4) of this rule for bills of lading (shipping orders).

(7) Shipments which are greater than the capacity of the available equipment of the carrier may be accepted on one bill of lading, providing the entire shipment is tendered to the carrier at one time and is accepted by and remains in the actual or constructive possession of the carrier until moved. On such shipments the first truck shall be loaded to its capacity. The remainder of the shipment must be moved from the premises of the shipper and started to its destination within 48 hours following the first load. The revenue billing for the shipment shall be made on one bill at the time shipment is accepted and showing the entire weight, the rate assessed and the total freight charge, and a notation showing what part is on the first truck and shall be carried on the first truck. Each succeeding truck shall carry a bill showing the part on it and giving reference to the revenue billing ahead for rate and total charges and must in every instance bear the notation "Part of Pro No. _____" and then be attached to and become a part of original record. The provisions of this section do not apply to the transportation of liquid commodities in bulk or tank equipment. (Constructive possession means that the shipment is under the control of the carrier and that the carrier is in all ways responsible for its safekeeping.)

(8) A bill of lading or other shipping document issued in connection with a shipment moving in intrastate commerce containing hazardous materials, as defined in WAC 480–12–195, shall comply with the applicable requirements contained in WAC 480–12–195 in addition to all other requirements of this rule. [Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.290. 80–11–008 (Order R–149, Cause No. TV–1365), § 480–12–260, filed 8/7/80; Order R–5, § 480–12–260, filed 6/6/69, effective 10/9/69.]

WAC 480–12–265 Tariffs. Tariffs, other than those issued by the Commission, shall be compiled in accordance with the Commission's Rules and Regulations governing the construction and filing of tariffs by common carriers subject to its jurisdiction, which are contained in Commission Tariff Circulars and supplements thereto or reissues thereof. [Order R–5, § 480–12–265, filed 6/6/69, effective 10/9/69.]

WAC 480–12–270 Tariffs shall be issued, posted and filed. (1) Tariffs of carriers handling commodities or offering services not covered by Commission's tariffs shall issue a tariff in accordance with WAC 480–12–265 covering such commodities or services.

(2) These tariffs shall be posted at the carrier's main office and if there is no main office, carried on carrier's trucks.

(3) Copies of all such tariffs shall be transmitted to the Commission with a letter of transmittal in duplicate, so that the Commission may stamp receiving date on copy and return to the carrier filing the same. All communications shall be addressed: Utilities and Transportation Commission, Olympia, Washington. [Order R–5, § 480–12–270, filed 6/6/69, effective 10/9/69.]

WAC 480–12–275 Freight classifications. Carrier shall adopt and follow such freight classifications as the Commission shall prescribe by order from time to time, and which will be referred to on the title pages of all tariffs issued by the Commission. [Order R–5, § 480–12–275, filed 6/6/69, effective 10/9/69.]

WAC 480–12–280 Tariffs, must have. (1) Every common carrier shall keep copies of Commission's tariffs, or other tariffs issued in compliance with the law and the rules and regulations of the Commission, naming rates to be charged, together with governing rules

and regulations, subject to public inspection at its main office and at all billing stations operated for the receiving of freight on its route.

(2) Every common carrier shall be responsible for the maintenance of its tariff on current basis by filing therein all supplements and reissued pages.

(3) All common carriers are required to use the tariffs compiled by the Commission in accordance with chapter 81.80 RCW unless otherwise specifically ordered by the Commission.

(4) Permits of common carriers who fail to purchase and post applicable tariffs in conformance with the provisions of the Public Service Laws, and the Orders and Rules of the Commission shall be subject to cancellation. [Order R-5, § 480-12-280, 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	Cost per Tariff: 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 480-12-290 Rules of distribution. (1) All carriers subject to the act shall post applicable state tariffs in their principal office and in every billing office, and such tariff shall be kept open to public inspection according to the requirements of law.

(2) Only official copies of the tariff may be lawfully posted or considered to contain the provisions of the lawful tariff.

(3) Payments for tariffs and maintenance must be made in advance. Remittances shall be made in same manner as provided in WAC 480-12-020.

(4) Tariffs may be purchased by any person or concern or organization. All revised pages will be furnished to the owners of tariffs upon payment in advance of the annual maintenance fee provided in WAC 480-12-285 for each tariff. If the owner of the tariffs fails to submit annual maintenance fees as provided in WAC 480-12-285, the Commission will remove owner's name from the mailing list. It will be necessary to purchase new tariffs to be reinstated on the Commission's mailing list.

(5) Common carriers may NOT purchase tariffs for shippers. [Order R-5, § 480-12-290, filed 6/6/69, effective 10/9/69.]

WAC 480-12-295 Tariffs, proposed changes in--How made. Changes proposed by common or contract carriers to the existing rates, tariff rules or classifications of common or contract carriers, shall be submitted to the Commission in writing stating the rates, rules or classifications then in effect, giving the tariff or contract reference thereto, and the proposed changes. No changes in rates, tariff rules or classifications shall be published in tariffs or contracts or made effective, without the approval of the Commission. Except to the extent that the Commission may establish temporary rates, charges or classifications as provided for in RCW 81.80.150, and except as provided in subsections (9) and (10) such proposals shall be set for regular docket hearing as follows:

(1) Application for changes in rates shall be given a docket number when received by the Commission.

(2) Proposals must be submitted to the Commission not later than the first Monday of January, March, May, July, September or November, as the case may be.

(3) All proposed changes to be set for the docket hearings shall be listed by the Commission and mailed to all parties on the general mailing list at least twenty days prior to such docket hearing.

(4) No sooner than 21 days and no later than 25 days after the deadlines for the receipt of proposals as provided for in subsection (2), a docket hearing shall be held at a designated place or places to consider all proposals. Special hearings may be set at other times as necessary.

(5) As soon as possible after the docket hearing is held, the Commission shall issue an order stating the disposition made of each proposal and a copy of this order shall be mailed to all parties who make a written appearance at the hearing.

(6) Changes approved by the Commission may be filed on one day's notice to the Commission.

(7) When application is made to change any rate, tariff, rule or classification, the burden of proving the justness and reasonableness of such proposed change shall be upon the applicant.

(8) In cases where this rule conflicts with the rules governing the filing of tariffs and changes in rates as set forth in applicable tariff circular, this rule shall govern.

(9) Docket hearing shall not be required for carriers who, by rule or Commission order, are permitted to file their own tariffs, and additionally, specifically shall not be required in package delivery service, armored car service, retail store delivery service, garbage, refuse and debris collection and transportation of newspapers, United States mail, periodicals and automotive vehicles.

(10) The procedures outlined in this rule are intended to cover only those rate adjustments which can be heard in a relatively informal manner and which require a minimum of explanation or proof. The Commission may require that proposals which would significantly affect the revenues of a carrier or of a group of carriers, or which would significantly alter an established rate pattern, be submitted in accordance with the Commission's Rules of Practice and Procedure and be heard under more formal procedures. [Order R–5, § 480–12–295, filed 6/6/69, effective 10/9/69.]

WAC 480–12–300 Tariff rules. No tariff rule may become effective that is contrary in principal to the policy laid down in these general rules and regulations. Any such rule now contained in a tariff issued by the Commission or filed with the Commission by any motor vehicle common carrier that conflicts with the general policy set forth in these general rules and regulations shall be changed to conform to this policy not later than the next regular docket hearing after the effective date of these General Rules and Regulations. [Order R–5, § 480–12–300, filed 6/6/69, effective 10/9/69.]

WAC 480–12–305 Billing--Method to be used. On shipments which are handled by more than one carrier by motor vehicle in the course of transportation, the bill of lading or freight bill issued by each carrier which is party to the movement shall show date, pro number, name of carrier, number of pieces and complete commodity description, and in addition shall show the name of shipper, original point of origin, name of consignee, final point of destination, participating carriers, junction points, through rate (whether a single rate or combination), and through charges (from original point of origin to final destination). Where rates are based on distance, the mileage must be shown.

In no event will it be permissible for a carrier to show on the bill only that portion of the rate or charges accruing to itself. The division between the carriers of through charges may be noted on the face of the bill if desired. The second and each succeeding carrier, if any, shall attach a copy of the preceding carrier's bill of lading or freight bill to a copy of its own bill of lading or freight bill, which record shall be properly preserved in the carrier's files.

All carriers participating in a through movement shall be equally responsible for the assessment of proper charges. Errors in assessment of charges, when discovered, shall be called to the attention of connecting carriers in order that records shall be uniform and in order that the originating carrier may collect additional charges (or make refund as the case may be) on prepaid shipments, or that the delivering carrier may collect additional charges (or make refund as the case may be) on collect shipments. The bill of lading or freight bills of all carriers participating in a through movement shall be identical in all essential information, including the amount of through charges. [Order R–5, § 480–12–305, filed 6/6/69, effective 10/9/69.]

WAC 480–12–310 Gross shipment weight. All shipments, on which weight is used as a basis for charges, shall be billed and charged for at gross weight. No deduction shall be made for weight of container or packing: *Provided, however,* That where applicable tariff provides for estimated weights or other bases for charges, such bases shall be used. (Refer to WAC 480–12–405 for special rule governing household goods.) [Order R–5, § 480–12–310, filed 6/6/69, effective 10/9/69.]

WAC 480–12–315 Tariffs, interstate. Every interstate carrier for compensation operating in, or into, the State of Washington filing tariffs with the Interstate Commerce Commission must file, or have filed, simultaneously with the Washington Utilities and Transportation Commission all tariffs used by it applying on freight transported in, into and through the State of Washington, together with copies of power of attorney. All such tariffs must be kept up–to–date by the filing of supplements thereto or reissues thereof and such supplements or reissues must also be filed simultaneously with their filing with the Interstate Commerce Commission. [Order R–5, § 480–12–315, filed 6/6/69, effective 10/9/69.]

WAC 480–12–320 Routing of freight. Unless in conflict with the constitution and laws of the United States:

(1) An interstate carrier shall not at any time carry or move freight or commodities originating at a point in the State of Washington and destined to a point in Washington where the movement of freight between such points is commonly and ordinarily over a highway wholly within the State of Washington, unless the carrier has permit authority to perform such service.

(2) It is declared to be the rule that freight originating at a point in Washington and destined to a point in Washington and which can be moved by motor vehicles over a route wholly within the State of Washington, commonly and ordinarily used for the movement of commodities by motor vehicles between such points of origin and destination, shall be constituted and considered as freight moving in intrastate commerce and wholly subject to the jurisdiction of the Utilities and Transportation Commission.

(3) It shall be a violation of the laws of the State of Washington and the rules of the Commission for any interstate carrier to divert an intrastate freight movement into an interstate movement, either directly or indirectly, and such action shall be in violation of the rights as granted authorizing the use of the highways of the State of Washington for movement of freight in interstate commerce. [Order R-5, § 480-12-320, filed 6/6/69, effective 10/9/69.]

WAC 480-12-325 Freight charges paid in any manner other than cash. In every instance where a carrier operating under a permit receives merchandise of any description, or services of any nature, or other substitute of any kind from a shipper or consignee in lieu of payment in cash for full charges according to proper tariff, such offset must be immediately reported to the Commission giving full details. Any transactions of this nature resulting in actual rebate by a carrier to users of his service shall be sufficient grounds for the Commission to require such carrier to show cause why his permit should not be canceled or suspended or the Commission in its discretion may impose a fine. [Order R-5, § 480-12-325, filed 6/6/69, effective 10/9/69.]

WAC 480-12-330 Tariffs, observance of. (1) Assessing rates and charges on any basis other than the tariff rate legally applicable to a single complete shipment transported on one bill of lading is forbidden.

(2) Aggregating shipments to assess a lower rate is forbidden except as authorized by legally applicable tariffs.

(3) "Aggregating" shall mean the grouping of two or more shipments received at or delivered to different places or at different times to make up sufficient weight to obtain a lower rate.

(4) A quantity shipment carrying a lower rate may be split between carriers, provided the carrier accepting the shipment from shipper shall pay the part-lot carrier the tariff rate applying on the quantity hauled by such part-lot carrier. [Order R-5, § 480-12-330, filed 6/6/69, effective 10/9/69.]

WAC 480-12-335 Rebating and other violations--Hearing. Whenever the Commission cites a carrier for rebating or any other violation of RCW 81.80.230, there shall be a hearing and the shipper or the consignee or both, who are involved in the transaction, shall be subpoenaed to appear at the hearing and explain their position and subject themselves to cross-examination. [Order R-5, § 480-12-335, filed 6/6/69, effective 10/9/69.]

WAC 480-12-340 Credit, extension of, by common carriers. (1) In extending credit by common carriers to shippers and consignees for transportation charges, if such charges are not paid when due, the further extension of credit shall immediately cease and all necessary legal steps be taken at once to collect the outstanding amount. In all such cases the full circumstances shall be reported to the Commission for such action as it may deem necessary.

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(5) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carriers shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(6) The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(7) Carriers engaged in garbage, refuse or debris collection may present monthly bills, and carriers of logs shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of 30 calendar days,

to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intrastate transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account. [Statutory Authority RCW 80.01.040, 81.80.130, 81.80-.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-340, filed 8/27/80; Order R-5, § 480-12-340, filed 6/6/69, effective 10/9/69.]

WAC 480-12-345 Credit, extension of, by contract carriers. (1) Unless the contract filed with the Commission shall specify a lesser period, contract carriers shall present to the person who undertakes to pay for such services a statement for all services performed during a calendar month not later than the fourth day of the following month and shall collect the compensation for such services not later than the tenth day of the month following the calendar month in which the services were performed.

(2) The persons undertaking to pay for such service may elect to have the statement presented by means of the United States mails, and when the mail service is so used, the time of mailing by the carrier shall be deemed to be the time of presentation of the statements. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(3) The mailing of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed may be deemed to be the collection of the freight charges within the credit period for the purpose of this rule. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(4) If charges are not paid when due, no further service shall be performed by a carrier for such person until the said delinquent charges have been fully collected. [Order R-5, § 480-12-345, filed 6/6/69, effective 10/9/69.]

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the Commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the State of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount of not less than twenty-five thousand dollars for recovery for personal injury by one person and not less than one hundred thousand dollars for recovery for all persons receiving personal injury by reason of one act of negligence and not less than ten thousand dollars for damage to property, excluding cargo, of any person other than the insured: *Provided*, That applications for permits to operate as Temporary Common Carriers or Temporary Contract Carriers shall be accompanied by evidence of insurance coverage as required herein.

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

Evidence of insurance shall be submitted on a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance", filed in triplicate with the Commission. Insurance presently on file for existing permit holders shall be sufficient. [Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.]

WAC 480-12-355 Insurance, continuance of. Proper evidence of continued insurance shall be filed with the Commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law. [Order R-5, § 480-12-355, filed 6/6/69, effective 10/9/69.]

WAC 480-12-360 Insurance endorsement. All liability and property damage insurance policies issued to motor freight carriers shall carry a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement". [Order R-5, § 480-12-360, filed 6/6/69, effective 10/9/69.]

WAC 480-12-365 Insurance termination. All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington Utilities and Transportation Commission by the insurance company, and said thirty days' notice to commence to run from the date notice is actually received by the Commission.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the Commission and shall not be submitted more than 60 days before the desired termination date. [Order R-5, § 480-12-365, filed 6/6/69, effective 10/9/69.]

WAC 480-12-370 Insurance, carrier shall not misrepresent. No common carrier shall advertise or represent to the public that he is an "Insured Carrier" unless his equipment is covered by property damage, public liability and cargo insurance. [Order R-5, § 480-12-370, filed 6/6/69, effective 10/9/69.]

WAC 480-12-375 Bond required--Broker--Forwarder. (1) Each broker or forwarder shall file with the Commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the Commission, conditioned upon such broker or forwarder making compensation to shippers, consignees and carriers for all moneys belonging to them and coming into his possession in connection with such transportation service.

(2) Failure to file such bond or deposit such security shall be sufficient ground for refusal of the Commission to grant the application for permit; and failure to make promptly the remittances provided for herein and in WAC 480-12-100 shall be deemed sufficient cause for cancellation of permit. [Order R-5, § 480-12-375, filed 6/6/69, effective 10/9/69.]

WAC 480-12-380 Common carrier C.O.D. shipments--Bond required--Handling of shipments. (1) Any common carrier handling C.O.D. shipments may be required to file with the Commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the Commission, conditioned upon such carrier making compensation to shippers and consignees for all moneys belonging to them and coming into his possession in connection with such transportation service.

(2) Where a shipper directs in writing that partial deliveries may be allowed on such C.O.D. shipments, the full transportation charge, if "collect", shall be made, and the shipper notified that the undelivered portion of the shipment is held pending his instructions and, after five days, subject to storage charges.

(3) Any carrier accepting checks from any consignee for payment of such C.O.D. collections, does so at his own risk, and failure to remit promptly any collection or portion thereof shall constitute sufficient cause for cancellation of permit.

(4) Upon collection of a C.O.D. bill, common carriers collecting same shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee, promptly and within ten days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moved in interline service the delivering carrier shall, at the time of remittance of the C.O.D. collection to the consignor or payee, notify the originating carrier of such remittance.

The delivering carrier shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (a) Number and date of freight bill; (b) Name and address of shipper or other person designated as payee; (c) Name and address of consignee; (d) Date shipment delivered; (e) Amount of C.O.D.; (f) Date collected by delivering carrier; (g) Date remitted to payee; (h) Check number or other identification of remittance to payee.

Partial delivery shall not be made without express written assent of the shipper, who shall furnish disposition of the remainder of the shipment. [Order R-5, § 480-12-380, filed 6/6/69, effective 10/9/69.]

WAC 480-12-385 Inactive status of permits during military service. Whenever the holder of a common or contract carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the Commission upon application may place his permit in an inactive file for the period of military service. Such application shall be in writing and need not be formal, but shall state the name of the applicant, the number of his permit, the branch of military service applicant is to enter, the time when he desires an inactive status to begin and that applicant will not permit his equipment to be operated under inactive status. Upon receipt of such application, if the Commission is satisfied that the public interest would be best served by placing the permit in an inactive status, it may grant the same forthwith, or it may require a hearing thereon. Upon receipt of an order placing his permit in an inactive status, the applicant shall immediately surrender his permit and identification cab cards to the Commission for the duration of inactive status. Failure to do so shall render such order inoperative.

Applications for reinstatement of permit shall be made within a reasonable time after such military service has terminated and shall be granted upon a showing of compliance with the requirements of the law governing such proposed renewal of operation over the public highways.

No fee shall be charged by the Commission for an application for inactive status or an application for reinstatement. [Order R-5, § 480-12-385, filed 6/6/69, effective 10/9/69.]

WAC 480-12-395 Rules--How changed. No rule contained in this book of rules and regulations can be changed, altered or revised except by General Order of the Commission. [Order R-5, § 480-12-395, filed 6/6/69, effective 10/9/69.]

WAC 480-12-400 Definitions. (1) The term "household goods", for the purpose of the following rules, means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(2) The term "local moving" means all hauls within the limits of any city and all hauls of 25 constructive miles or less, as well as other specified hauls for which rates are prescribed on a time basis in Items 1300 and 1305 of the Commission's Tariff 4-A, or reissues thereof. All other moves are to be termed "long distance moving". [Order R-5, § 480-12-400, filed 6/6/69, effective 10/9/69.]

WAC 480-12-405 Determination of weights. (1) (a) *Tare weight; loaded weight.* Each common carrier shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank of such vehicle shall be full and the vehicle shall contain all

pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads.

(b) *Constructive Weight.* If no adequate scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, en route, or at destination without first unloading it or other part loads being carried in the same vehicle.

(2) **Part loads.** In the transportation of part loads this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(3) **Weight ticket.** Whenever weights are required to be obtained pursuant to these rules, the carrier shall cause to be executed a weight ticket, in the form specified below, and such weight ticket shall be maintained by the carrier as part of its record of shipment.

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date _____

Name of carrier _____

Vehicle identification _____

Name of shipper _____

Origin of shipment _____

Destination of shipment _____

GROSS WEIGHT OF LOADED VEHICLE without the crew thereon _____pounds

TARE WEIGHT OF VEHICLE without the crew thereon, including full gasoline tank and all necessary pads, chains, dollies, hand trucks, and other equipment _____pounds

NET WEIGHT OF THE SHIPMENT _____pounds

The above gross and tare weights were obtained at scales

GROSS { _____ (Name of scales) _____ (location)

TARE { _____ (Name of Scales) _____ (location)

as shown by attached weight ticket(s) prepared by weighmaster(s). List of shipments, if any, on vehicle at time above weights were obtained:

Shipper	Net Weight

I certify the above entries are true and correct.

_____
(Driver's signature)

[Order R-5, § 480-12-405, filed 6/6/69, effective 10/9/69.]

WAC 480-12-410 Discounts prohibited--Rates based on prepayment charges prohibited. No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by a carrier of household goods, and no rates or charges shall be established based upon prepayment of charges. [Order R-5, § 480-12-410, filed 6/6/69, effective 10/9/69.]

WAC 480-12-415 Prohibition against carrier acting as agent for another carrier. No common carrier shall act as agent for any other common carrier in the solicitation of shipments of household goods between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal. [Order R-5, § 480-12-415, filed 6/6/69, effective 10/9/69.]

WAC 480-12-420 Acting as agent for compensation for insurance company prohibited. No common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods to be transported by such carrier if such carrier, or its employee, agent, or representative receives compensation from such insurance company. [Order R-5, § 480-12-420, filed 6/6/69, effective 10/9/69.]

WAC 480-12-425 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited. No common carrier shall issue a receipt or bill of lading for household goods prior to receiving such goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received. [Order R-5, § 480-12-425, filed 6/6/69, effective 10/9/69.]

WAC 480-12-430 Liability of carriers. (1) **Liability restricted.** Carriers of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(2) **Insurance policy.** Each common carrier which sells, offers, or procures cargo insurance to or for a shipper of household goods shall deliver to the shipper at or prior to the time of shipment a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the

premium therefor, and the risks insured against, or the risks excluded, whichever is more appropriate.

(3) **Advertisement of insurance.** A carrier of household goods or any employee, agent, or representative thereof, shall not advertise or represent to the public that insurance is provided against all risks, unless such insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited–risk policies" or by some other appropriate designation which will indicate clearly to the shipper that not all risks are covered thereby.

(4) **Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured".** No carrier of household goods or any employee, agent, or representative thereof, shall advertise or represent to the public that "all loads are insured," or other similar wording. [Order R–5, § 480–12–430, filed 6/6/69, effective 10/9/69.]

WAC 480–12–435 Estimates of charges. (1) **Estimates by the carrier.** Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator, shall be in writing, and shall contain the following:

(a) The name and address of the carrier which is to perform the service and the name and title of the person preparing the estimate.

(b) The origin and destination of the proposed movement, and the mileage between such points.

(c) The applicable rate to be applied.

(d) A list of the articles upon which the estimate is based, showing for each article listed the estimated cubic footage thereof.

(e) The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot.

(f) An itemized statement of all known accessorial services to be performed, and articles supplied, and the charges therefor.

(g) An estimate of the total charges, including transportation charges, and charges for accessorial services.

(h) A printed statement (in contrasting lettering) on the face thereof, in not less than eight–point bold or full–faced type, as follows:

IMPORTANT NOTICE

This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Transportation charges are based upon the weight of the goods transported, and such charges may not generally be determined prior to the time the goods are loaded on the van and weighed.

No guarantee can be made as to the specific dates of pickup or delivery of your shipment, unless you make special arrangements with the carrier for expedited service, for which an additional charge will normally be made.

(i) Written estimates, where furnished shall be kept on file in the office of the originating carrier, for the same period that bills of lading are required to be preserved.

(j) Oral estimates of charges are prohibited. When requested to make an oral estimate, by telephone or otherwise, the carrier shall inform the shipper that such oral estimates are prohibited and that carriers are permitted to quote only the applicable legal rates for the requested service.

(2) **Estimate form for shipper's use.** Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(3) **Weight of shipment, notification to shipper.** After the shipment has been weighed, the carrier, if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notices shall be at the carrier's expense, unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(4) **Reweighing.** The carrier shall, upon request, made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed 100 pounds on shipments weighing 5,000 pounds or less, and 2 per cent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining applicable charges. [Order R–5, § 480–12–435, filed 6/6/69, effective 10/9/69.]

WAC 480–12–440 Absorption or advancement of dock charges. Carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the

carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advanced charges are paid. [Order R-5, § 480-12-440, filed 6/6/69, effective 10/9/69.]

WAC 480-12-445 Information to shipper. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS BY MOTOR CARRIERS IN INTRASTATE COMMERCE

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington Utilities and Transportation Commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Washington Utilities and Transportation Commission. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier.

Tariff. This is a publication by the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated in amounts per one hundred pounds for distances of more than 25 miles and on an hourly basis for local moving within towns or cities or for any distance 25 miles or less. Carriers generally maintain rates varying according to the released or declared value of the shipment. The lowest rate usually applies when the shipper releases the goods to a value not exceeding 30 cents per pound per article. For example, you may agree that the value of any article weighing 10 pounds is only $3.00. This value may not be what the article is worth, but it is the amount which you agree to as the released value and it will be the basis for the settlement of any claim for loss or damage which you might later file. You may declare a higher value on some or all of your goods, but if you do, the transportation charges will be higher.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, its tariffs, and the value declared by the shipper. If you desire the benefit of the lowest transportation rate, but seek greater protection than afforded thereunder, you may purchase cargo insurance or other protection. If such protection is purchased through the carrier, you should require the deliverance to you of evidence of such protection prior to the time your goods are moved, and such evidence should show the amount of such additional protection, the cost thereof, and the risks included or excluded, whichever is more appropriate.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the

weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed 100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 per cent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight – usually 5,000 pounds – will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (5,000 Pounds) and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items is taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage–in–transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage–in–transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges – freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than 25 miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per 100 pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under 25 miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. All claims for loss or damage must be filed with the carrier, in writing. Although the carriers are subject to the rules and regulations of the Washington Utilities and Transportation Commission the Commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Washington. [Order R–5, § 480–12–445, filed 6/6/69, effective 10/9/69.]

WAC 480–12–450 Minimum weight shipments. No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions. [Order R–5, § 480–12–450, filed 6/6/69, effective 10/9/69.]

WAC 480–12–455 Underestimates. When a carrier gives an estimate of charges for services in the carrying of household goods, such carrier shall endeavor to accurately reflect the actual tariff charges. Such carrier shall be subject to monetary penalties under the provisions of RCW 81.04.405 when the actual total charges for long distance moves exceed the estimated charges by 15 per cent and when, on local moves, the actual charges for the time required to complete the move exceed the estimated time charges by 25 per cent or when actual charges for accessorial and other services not related to time charges exceed estimates for such services by 15 per cent. [Order R–5, § 480–12–455, filed 6/6/69, effective 10/9/69.]

WAC 480-12-460 Complaint procedures. Upon receipt of any complaint relating to WAC 480-12-405 to WAC 480-12-455, the Commission, prior to publication of a penalty assessment, will conduct an informal field investigation to determine the merits of such complaint. In its investigation, the Commission shall consider, among other things, factors which increase actual charges above estimated charges but which were beyond the control of the estimator, such as delays in traffic, unusual conditions of the premises involved, and requests for additional services not covered by the estimates. If the carrier is not at fault, all interested parties will be so notified. If, in the opinion of the Commission the carrier involved is at fault, a penalty assessment will be issued in the usual manner and as provided by RCW 81.04-.405, and such carrier shall have an opportunity to apply for mitigation of the penalty by citing all relevant factors tending to lessen the seriousness of the violation, including its past operating record. [Order R-5, § 480-12-460, filed 6/6/69, effective 10/9/69.]

WAC 480-12-465 Charge card plans. (1) Approval required. Each motor common carrier of household goods shall obtain approval from the commission before offering shippers of household goods the option of paying transportation charges with a charge card.

(2) Application.

(a) Each such carrier shall make application for approval to participate in a charge card plan by submitting to the commission a copy of its proposed agreement with a financial institution offering participation in the plan.

(b) Each application shall include the name and principal office location of the carrier seeking approval, the name and address of the carrier's authorized representative, the name and address of the financial institution offering participation in the plan, and a copy of the form thereof.

(3) Approval of application.

(a) Approval of the charge card plan shall be given informally by the commission by sending an appropriate letter to the applying carrier.

(b) Approval of a charge card plan shall be denied where the plan is being offered in a manner or on terms which unreasonably discriminate against other carriers which may seek to participate in a charge card plan. Approval shall also be denied when a plan contains terms or conditions contrary to the provisions in subsection (5) of this section, or when it is contrary to the public interest.

(4) Charge-back not prohibited. The inclusion in a charge card agreement of reasonable provisions permitting participating financial institutions to charge back a carrier's account shall not result in automatic disapproval of a charge card plan.

(5) Percentage service charges. A carrier seeking to participate in the charge card plan may contract with a participating financial institution for payment of a percentage service charge to the financial institution provided that the amount of such service charge is reasonably related to the services performed by the financial institution in conjunction with the operation of such plan. Reasonable variances in the rates of service charges extended to individual carriers shall not alone result in a rate being deemed unrelated to the services provided by the institution.

(6) Withdrawal of approval. The commission expressly reserves the right to withdraw its approval of a charge card plan and to forbid a carrier or carriers from further participation in the plan, should such action prove necessary to the protection of the public interest and the declaration of policy of the Motor Carrier Act. In the event a plan or plans are disapproved, each participating carrier shall have a period of thirty days within which to settle its accounts with the participating financial institution and within which to terminate its contractual relationship with that institution.

(7) Cross reference. No practices authorized by this section shall be considered violative of any of the provisions of WAC 480-12-400 through 480-12-455, inclusive. [Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-465, filed 8/27/80.]

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 resetting 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 policy 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.
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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 480-30-020 Licenses, and rules and regulations. No motor vehicle shall be operated upon the public highways of this state by any Auto Transportation Company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the Commission governing the operation of motor vehicles upon the public highways. [Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.]

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

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

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

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

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

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

(a) Description of each vehicle used;

(b) Number of trips and to what points each of said vehicles was operated;

(c) Drivers' time sheets for each day's employment;

(d) Copies of all accident reports.

(7) No 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 480-30-040 Express. (1) All Auto Transportation Companies transporting express are required to issue at the time of accepting shipment an Express Receipt covering each express shipment. Such Express Receipt must be itemized to show:

(a) Name of carrier.
(b) Point of origin and date of shipment.
(c) Shipper.
(d) Consignee.
(e) Destination.
(f) Routing optional.
(g) Number of packages.
(h) Description of articles.
(i) Weight.
(j) Rate.
(k) Express charges.
(l) Advance charges.
(m) Prepaid charges.
(n) C.O.D. charges.
(o) Total to collect.
(p) Signature of Auto Transportation Company or its agent.
(q) Signature of shipper.

Not less than three copies of such Express Receipt must be issued, one to be given to the shipper, one copy to be retained by the Auto Transportation Company, and in cases where such Auto Transportation Company does not issue an expense bill covering such shipment, one copy of the Express Receipt shall be delivered to the consignee, or connecting line carrier.

Copies of Express Receipts retained by the Auto Transportation Company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the Commission.

No Auto Transportation Company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No Auto Transportation Company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No Auto Transportation Company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives; black, brown or smokeless powders, ammunition

(other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naptha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film is passenger-carrying vehicles of Auto Transportation Companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal Rules and Regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No Auto Transportation Company shall advertise or hold itself out to the public as furnishing express service nor use the word "Express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service. [Order R-5, § 480-30-040, filed 6/6/69, effective 10/9/69.]

WAC 480-30-045 Auto transportation company C.O.D. shipments tariff requirements--Bond required--Handling of shipments. (1) No auto transportation company transporting express freight under authority of its certificate shall render any C.O.D. services unless such company has published, posted and filed tariffs which contain the rates, charges and rules governing such service.

(2) For good cause any auto transportation company handling C.O.D. shipments may be required to file with the commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the commission, conditioned upon such company making compensation to shippers and consignees for all moneys belonging to them and coming into his possession in connection with such transportation service.

(3) Where a shipper directs in writing that partial deliveries may be allowed on such C.O.D. shipments, the full transportation charge, if "collect," shall be made, and the shipper notified that the undelivered portion of the shipment is held pending his instructions and, after five days, will be subject to storage charges.

(4) Any company accepting checks from any consignee for payment of such C.O.D. collections does so at its own risk.

(5) Upon collection of a C.O.D. bill, auto transportation companies collecting same shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee, promptly and within twenty-five days after delivery of the C.O.D. shipment to the consignee.

The delivering company shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (a) Number and date of express bill; (b) name and address of shipper or other person designated as payee; (c) name and address of consignee; (d) date shipment delivered; (e) amount of C.O.D.; (f) date collected by delivering company; (g) date remitted to payee; (h) check number or other identification of remittance to payee.

Partial delivery shall not be made without express written consent of the shipper, who shall furnish disposition of the remainder of the shipment. [Statutory Authority: RCW 80.01.040 and 81.68.030. 80-12-025 (Order R-152, Cause No. TC-1369), § 480-30-045, filed 8/27/80.]

WAC 480-30-050 Tariff, naming rates and fares. (1) Every Auto Transportation Company shall file with the Commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the Commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty (30) days before the effective date thereof, unless the Commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, Insurance Building, Olympia, Washington 98501".

(3) Where through ticketing arrangements are in effect between two or more Auto Transportation Companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the Commission, interline settlements must be made between such carriers within thirty (30) days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty (30) days such connecting carriers shall immediately report each failure to do so to the Commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto Transportation Companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to Auto Transportation Companies.

(5) No Auto Transportation Company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which

has previously been approved by the Commission. [Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.]

WAC 480-30-060 Schedule of time and route. (1) Every Auto Transportation Company shall publish and file with the Commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of Sample Time Schedule, Subsection (4))

2nd. Name of Auto Transportation Company. (If the Auto Transportation Company is not an incorporated company, and a trade name is used, the names of the individuals composing such Auto Transportation Company must precede such trade name.) (See title page of Sample Time Schedule, Subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten (10) or twenty (20) days' notice, whichever the case may be, by permission of the Commission, the number and date of such special permission must be shown directly under the date effective, as provided in Subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys, (Certificate No. 88)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 — Effective June 10, 1967
Issued by Walter A. Keys
Title, Owner and Manager — Authority
St. Address, 123 So. Wenatchee Ave. — M. V. L. S. N. No. 400
City and State, Wenatchee, Washington — Dated June 8, 1967

WESTBOUND

Mileage	From Wenatchee to		@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	> PM
0.0	Wenatchee	Lv.	7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge	"	7:08	8:38	11:08	1:38	3:38	5:38	9:38
3.3	Olds Corner	"	7:09	8:39	11:09	1:39	3:39	5:39	9:39
4.4	Sunnyslope Bridge	"	7:12	8:42	11:12	1:42	3:42	5:42	9:42
6.0	Burkeys Corner	"	7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O.	"	7:23	8:53	11:23	1:53	3:53	5:53	9:53
9.3	Red Bridge	"	7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere	Ar.	7:40	9:10	11:40	2:10	4:10	6:10	10:10

EASTBOUND

Mileage	From Cashmere to		@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	> PM
0.0	Cashmere	Lv.	8:00	9:30	12:30	2:30	4:30	6:20	10:15
3.1	Red Bridge	"	8:11	9:41	12:41	2:41	4:41	6:31	10:26
4.4	Monitor P. O.	"	8:16	9:46	12:46	2:46	4:46	6:36	10:31
6.5	Burkeys Corner	"	8:22	9:52	12:52	2:52	4:52	6:42	10:37
8.1	Sunnyslope Bridge	"	8:29	9:59	12:59	2:59	4:59	6:49	10:44
9.2	Olds Corner	"	8:31	10:01	1:01	3:01	5:01	6:51	10:46
9.8	Wenatchee River Bridge	"	8:32	10:02	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee	Ar.	8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; # Sunday only; > Saturday only.

Sample Time Schedules (Either form may be used).

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys. (Certificate No. 88)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee. Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 Effective June 23, 1967
Issued by Walter A. Keys
Title, Owner and Manager
St. Address, 123 So. Wenatchee Ave.
City and State, Wenatchee, Wash.

Leave Wenatchee Read Down					Leave Cashmere Read Up		
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.
AM	PM	PM			AM	PM	PM
Lv. 11:00	1:30	5:30	0.0	Wenatchee	Ar. 10:40	1:10	5:10
" 11:08	1:38	5:38	2.7	Wenatchee River Bridge	Lv. 10:32	1:02	5:02
" 11:09	1:39	5:39	3.3	Olds Corner	" 10:31	1:01	5:01
" 11:12	1:42	5:42	4.4	Sunnyslope	" 10:29	12:59	4:59
" 11:16	1:46	5:46	6.0	Burkeys Corner	" 10:22	12:52	4:52
" 11:23	1:53	5:53	8.1	Monitor P. O.	" 10:16	12:46	4:46
" 11:29	1:59	5:59	9.3	Red Bridge	" 10:11	12:41	4:41
Ar. 11:40	2:10	6:10	12.5	Cashmere	Lv. 10:00	12:30	4:30

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with Rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the Commission and notice must be given to the public at least ten (10) days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty (20) days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the Commission not less than one (1) day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, Insurance Building, Olympia, Washington, 98501".

4th. In the case of actual emergency, or when real merit is shown, the Commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten (10) or twenty (20) days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No. _____, dated _____."

5th. The Commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the Commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty–four (24) hours, shall be promptly reported in writing to the Commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five (5) consecutive days without notice to the Commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the Commission: *Provided, however,* That the Commission may permit the resumption of operation after such five (5) day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No Auto Transportation Company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the Commission and to the public, at least ten (10) days' notice in writing of the intention to discontinue such service, and having secured from the Commission permission so to do. [Order R–5, § 480–30–060, filed 6/6/69, effective 10/9/69.]

WAC 480–30–070 Liability and property damage insurance or surety bond. (1) Within ten (10) days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the Commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the State of Washington or a surety bond, the form of

which is set out in Subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person——$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less——$300,000,

Vehicles having capacity of 17 or more passengers——$500,000,

For damage to property of any person other than the assured——$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance", filed in triplicate with the Commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement".

(4) Form of Surety Bond.

Know all men by these presents:

That we ---------- of the City of ----------, State of Washington, as principal, and ----------, a corporation organized and existing under and by virtue of the Laws of -----, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this ----- day of ---------- 19--.

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company (principal herein) under and by virtue of its Certificate of Public Convenience and Necessity granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

For any recovery for personal injury by one person——$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less——$300,000,

Vehicles having capacity of 17 or more passengers——$500,000,

For damage to property of any person other than the assured——$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

---------- Principal

---------- ---------- Surety

[Order R-109, § 480-30-070, filed 10/19/77; Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.]

WAC 480-30-080 Self insurance. (1) Every auto transportation company which qualifies as a self-insurer under the provisions as set forth in RCW 81.68.065, may upon proper application to the Commission be exempt from all provisions relative to liability and property damage insurance or surety bond under the rules and regulations as herein set forth: *Provided, however,* That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Commission operating under the said self-insuring authority; and that the same is now in full force and effect.

Every auto transportation company qualified and acting under the self-insurer provisions of RCW 81.68.065, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Utilities and Transportation Commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-30-070(1). [Order R-5, § 480-30-080, filed 6/6/69, effective 10/9/69.]

WAC 480-30-090 Equipment of motor vehicles. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the Commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a Certificate of Public Convenience and Necessity, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the Certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

"W.U.T.C.
No. _____"

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the Company number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the Commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two (2) candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules. [Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.]

WAC 480-30-095 Equipment--Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; 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 auto transportation companies operating under chapter 81.68 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." [Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.]

WAC 480-30-100 Operation of motor vehicles. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 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 auto transportation companies operating under chapter 81.68 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.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

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

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, part 395, 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 auto transportation companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: *Provided, however*, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: *Provided*, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

(8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty–eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right–hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation companies operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1–800–562–6150; or if the call is made from out of the state: 1–206–753–6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) 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 subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission." [Statutory Authority: RCW 80.01.040 and 81.68-.030. 80–11–029 (Order R–143, Cause No. TC–1355), § 480–30–100, filed 8/14/80; Order R–5, § 480–30–100, filed 6/6/69, effective 10/9/69.]

WAC 480–30–105 Depot and terminal facilities. Auto Transportation Companies shall, by order of the Commission, be required to establish and/or maintain facilities in any city, town or location along their route or routes as shall be necessary to provide for the comfort

and safety of their patrons. [Order R-13, § 480-30-105, filed 11/28/69; Order R-8, § 480-30-105, filed 9/11/69.]

WAC 480-30-110 Fees and gross operating revenue. (1) Auto Transportation Companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission 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.]

WAC 480-30-120 Uniform System of Accounts and Annual Reports. (1) The Uniform System of Accounts prescribed by the Interstate Commerce Commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I Auto Transportation Companies in the State of Washington, operating under chapter 81.68 RCW. A Uniform System of Accounts is hereby adopted and prescribed for the use of Class II and Class III Auto Transportation Companies in the State of Washington. Said Uniform System of Accounts is entitled "Uniform System of Accounts for Class II Auto Transportation Companies Operating Under Certificates of Public Convenience and Necessity and Appendix 'A' Uniform System of Accounts for Class III Auto Transportation Companies, Effective January 1, 1961".

(2) The various Auto Transportation Companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

Class I. Those having average annual gross operating revenue of $200,000 or over.

Class II. Those having average annual gross operating revenue of $50,000 or more but less than $200,000.

Class III. Those having average annual gross operating revenue less than $50,000.

(3) Each Auto Transportation Company must secure from the Commission a copy of the "Uniform System of Accounts" adopted by Subsection (1) hereof, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by Subsections (4) and (5) hereof may be compiled in accordance therewith.

(4) At the close of each calendar year every Auto Transportation Company must secure from the Commission two copies of the form of Annual Report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "Uniform System of Accounts" and these Rules. One copy of such report must be filed with the Commission as soon after the close of each calendar year as possible; but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the Commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the Annual Report required by Subsection (4) must be filed immediately covering the period from the first of the year to the date on which the Auto Transportation Company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, Annual Report shall be rendered covering that portion of the calendar year during which the Auto Transportation Company operated and shall show on the face thereof the exact period covered thereby.

(6) Each Auto Transportation Company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the Commission so that the Commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired. [Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.]

WAC 480-30-130 Rules and Regulations--General application. (1) The above Rules and Regulations are for general application only, and are subject to such changes and modifications as the Commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the Commission shall be made up in accordance with the following instructions:

1st. Application should be directed to the Washington Utilities and Transportation Commission, Olympia, Washington 98501; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.

2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

[Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.]

Chapter 480-40 WAC
PASSENGER CHARTER CARRIERS

WAC

480-40-010 Definitions.
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WAC 480-40-010 Definitions. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these regulations, be given the meaning hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington Utilities and Transportation Commission.

(4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.

(5) "Public highway" includes every public street, road or highway in this state.

(6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.

(7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation whether in common or contract carriage over any public highway in this state.

(8) The term "Charter Party", as used in these regulations means a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle have acquired the exclusive use of passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(9) "Accommodations" as used herein means either

(a) Registered additional seats which the charter party may desire in excess of the number necessary for the party for extra convenience or comfort of the party, or

(b) Registered additional number of seats (either left in the charter coaches, or removed at the charter party's request) for the storage of baggage or other paraphernalia being carried in the custody of the party.

(10) "Charter Coach." A motor vehicle assigned to the exclusive use of a party or person.

(11) "Charter Trip or Charter Movement." Transportation furnished by a carrier in a charter coach authorized herein, beginning at the time and place for which the charter coach is ordered and ending at the place of destination.

(12) As used herein, "hour" is each sixty minutes, or any portion thereof, beginning at the time the charter coach is ordered to be at the place of origin and ending at the time the charter coach is finally released by the charter party.

(13) As used herein, a "day" is each twenty-four "hours", beginning at the time the charter coach is ordered to be at the place of origin and ending at the time the charter coach is finally released by the charter party.

(14) "Applicable Equipment Points." On any particular charter movement, the equipment point nearest the place of origin shall be the applicable equipment point for vehicles utilized up to the total number of vehicles held out to be available at that point; the equipment point next nearest the place of origin shall then become the applicable equipment point for the remainder of such vehicles utilized up to the total number of such vehicles held out to be available at that point; thereafter, progressively more distant equipment points shall, in turn, become applicable equipment points up to the number of such vehicles held out at each, until sufficient equipment has been provided for the entire charter movement.

(15) "Equipment Point." Equipment Point, as used in a tariff, means a place specifically named by a carrier as a point at which vehicles are held out to be available for charter movements.

(16) "Live Mileage or Live Miles." Live mileage, as used herein, means the mileage traversed by a charter coach between the place of origin and the place of destination. After the charter coach has departed from the place of origin, any mileage involved in the servicing of equipment shall not be included as deadhead mileage.

(17) "Place of Origin." The term "place of origin", as used herein, means the place where the charter party orders the charter coach to be at the start of the charter trip.

(18) "Place of Destination." The term "place of destination", as used herein, means the place where the charter coach is vacated and released by the charter party: *Provided*, That no deadhead mileage will be charged for movements within the city limits of an incorporated city when such is designated as an equipment point.

(19) "Waiting Time." Any period of time in excess of one-half hour during which the charter coach is not in motion, at the request, with the consent, or for the convenience of the charter party: *Provided*, That waiting time does not include normal rest stops, meal stops, or layover time for repairs. [Order R-72, § 480-40-010, filed 4/23/75; Order R-12, § 480-40-010, filed 11/28/69; Order R-5, § 480-40-010, filed 6/6/69, effective 10/9/69.]

WAC 480-40-020 Licenses. (1) No motor vehicle shall be operated upon the public highways of this state by any charter party carrier until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways. [Order R-12, § 480-40-020, filed 11/28/69; Order R-5, § 480-40-020, filed 6/6/69, effective 10/9/69.]

WAC 480-40-030 Certificates. (1) No charter party carrier shall operate, establish, or begin operation for the purpose of transporting persons on the public highways of this state, without first having obtained a certificate from the commission.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade

name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

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

(5)(a) No certificate nor any right thereunder shall be leased, assigned or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a Notary and accompanied by filing fee named in WAC 480-40-030(9).

(b) No charter party certificate or right to conduct any of the service therein authorized shall be leased, assigned or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned or otherwise transferred is to be immediately cancelled: *Provided, however,* short term leases under portions of such certificates in the nature of operating agreements, may be approved upon a showing that the same are in the public interest.

(6) All applications for original certificates (including extensions of certificates), temporary certificates, renewal or reinstatements of certificates shall be 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 WAC 480-40-030(9).

(7) All holders of certificates shall file, after May 15, and not after June 15 of each year, an application for renewal of the certificate. If such filing is made after June 15 the application shall be considered as an application for reinstatement; and the certificate shall expire at the close of June 30 and operations thereunder shall cease and may not be resumed unless and until reinstatement is ordered by the commission. Certificates issued prior to July 1, 1969 under the 1969 amendments to chapter 81.70 RCW, shall expire or be subject to renewal at the close of June 30, 1970. Except as provided above all certificates will expire each year at the close of June 30.

(8) An application for a temporary certificate shall be filed separately from an application for certificate, extension or reinstatement, and shall be accompanied by the required fee; *Except,* That when applications for an original certificate have been filed on or before June 11, 1969, or when applications for renewal have been filed on or before June 15 of any given year, and the commission is unable to dispose of said original application by June 11, 1969, or a renewal application on or before June 30 of a given year, the commission may, at its discretion, grant all or a portion of the application on a temporary basis without the filing of an additional application and the payment of additional fee.

(9) Miscellaneous Fees:

Original Application for certificate ..	$200.00
Application for extension of certificate	200.00
Application for temporary certificate .	35.00
Application for renewal or reinstatement of certificate	25.00
Application to lease, assign, transfer or otherwise encumber a certificate	150.00
Application for issuance of duplicate certificate	3.00

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

(11) Whenever an order is entered by the commission revoking a previous order granting a certificate or revoking a certificate already issued or denying renewal of a certificate, or whenever a certificate has expired without being renewed, and subsequently an application is made for reinstatement of such order or certificate, such application shall be filed in the manner required as for renewal of a certificate together with all additional information as will support reinstatement.

(12) Remittances shall be made by money order, bank draft, or check, made payable to the Washington Utilities and Transportation Commission. [Order R-61, § 480-40-030, filed 12/19/73; Order R-50, § 480-40-030, filed 8/8/73; Order R-14, § 480-40-030, filed 1/6/70; Order R-12, § 480-40-030, filed 11/28/69; Order R-5, § 480-40-030, filed 6/6/69, effective 10/9/69.]

WAC 480-40-033 Equipment operated. (1) Every charter party carrier of passengers shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-40-080(1), on forms to be prescribed and furnished by the commission, a list of all equipment used under its certificate during the preceding quarter, or portion thereof. [Order R-12, § 480-40-033, filed 11/28/69.]

WAC 480-40-036 Records. (1) All charter party carriers of passengers shall institute and maintain a set of records which will reflect the following information on each charter performed: Name and address of person requesting or arranging the charter; date the request was made; name of group transported; who paid for the transportation and how and when such payment was made; how the charge made for the trip was computed; revenue derived therefrom; points of origin and destination; mileage of trip and route (listed for each day when charter was overnight or for a longer period); total number of hours the driver was on duty and total driving time; identification of bus or busses used; identification of driver and person, if any, who had charge of the

charter group; an itinerary which will show service performed, including any supplementary service performed not provided for in the original charter order; and copies of all accident reports. These records shall be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission. [Order R-12, § 480-40-036, filed 11/28/69.]

WAC 480-40-039 Tariffs. (1) Every charter party carrier shall file with the commission two copies of its tariff, and any amendments thereto, showing its schedule of charges to be assessed for its services. Such schedule of charges shall also detail the services to be offered and shall be in compliance with the terms of RCW 81.70-.160. Such tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof. Each charter party carrier shall be governed strictly by the terms of its tariff, and may not offer to transport at different charges nor assess different charges than provided by its tariff.

(2) No territory shall be deemed to be served by a charter party carrier within the contemplation of RCW 81.70.080 unless such carrier has designated in its tariff then in effect an equipment point in, or within 50 miles of one of the boundaries of, the county in which the origin covered by an applicant for a certificate is situated, except that if an equipment point has been designated by a carrier within the purview of this rule, other carriers with the authority to operate within the subject territory shall have authority to protest an application for a new charter party carrier certificate, or the extension of a charter party carrier certificate.

(3) Charter party certificate holders shall include as part of their filed tariffs reasonable rates or charges for deadhead mileage which shall be the mileage, over the shortest practical highway routes, traversed by the bus without passengers from the nearest point at which equipment is held out to be available to the place where the chartered party originates, and from the place of discharge of such party to (i) the nearest point where equipment is held out to be available, or (ii) the equipment-availability point nearest the origin point of the chartered party: *Provided, however,* That in no case shall the total charges, including all deadhead mileage charges, for the one-way transportation of chartered parties from any origin point to any destination point exceed the total charges, including all deadhead mileage charges, applicable for the round-trip transportation of like chartered parties over the same route from the same origin point to the same destination point and return to such origin point. Such tariffs shall name the points at which the carrier holds out to have equipment available for chartered party service, and no equipment shall be held out as available at any point not an authorized equipment point. The tariffs also shall clearly specify the movements, if any, governed by (i) above, and, separately, those, if any, governed by (ii).

(4) Where deadhead mileage is involved in any charter trip, charter parties must be advised of that fact and the tariff charge applicable thereto prior to institution of the charter trip, and the charge for deadhead mileage shall be specifically and separately itemized on a billing or statement (which must be submitted to the charter party prior to payment where deadhead mileage is involved) covering the charges for the charter trip.

(5) Tariff provisions pertaining to passengers and their baggage in passenger charter carrier service within intrastate Washington.

(a) Determining mileage.

(i) Mileage will be determined from and in accordance with the provisions of National Mileage Guide No. A-251-0, MP-I.C.C. No. 2121, supplements thereto or reissues thereof, issued by National Bus Traffic Association, Inc., Agent.

(ii) For distances from or to points not covered by the mileage publications referred to in item (i) of this subdivision, the actual mileage via the route of charter movement shall be used, except that the mileage publications will be used for such portions of the distances as may be provided therein or ascertainable therefrom.

(iii) In computing mileage, the following will govern the disposition of fractions:

Fractions of less than one-half mile will be omitted.

Fractions of one-half mile or greater will be increased to the next whole mile.

(b) Objectionable Persons. The carriers may refuse to transport any person who is under the influence of intoxicating liquor or drugs, or who is incapable of taking care of himself or herself, or who shows conduct which is such, or is likely to be such, as to make him or her objectionable to other passengers. Provided this rule does not apply to persons who are ill and accompanied by an attendant or nurse.

(c) Baggage.

(i) Personal baggage will not be checked in charter coach service.

(ii) To the limit of the capacity of the charter coach, personal effects, baggage, musical instruments, athletic equipment, and other articles and paraphernalia, for the transportation of which no charge is made, and which are for actual use, and which are necessary or appropriate either for the use, comfort and/or convenience of the passengers or for the purpose of the charter trip, will be transported at the risk of the owner thereof.

(iii) The charter party may order an additional vehicle or a vehicle of a larger capacity than needed to accommodate the passengers, to provide sufficient space to accommodate the baggage and equipment to be transported; charges will be based on the number and seating capacity of the vehicle(s) ordered and required to accommodate the charter party and the baggage and equipment.

(iv) The carriers will not accept for transportation in charter coach service any article the transportation of which is prohibited by law or the regulation of the Interstate Commerce Commission or of the Washington Utilities and Transportation Commission.

(d) Animals or Birds. Animals or birds will not be carried on charter trips except with the specific permission of the carrier and then only in custody of the charter party.

(e) Liability.

(i) Window Glass and Seats. Any damage to the vehicle caused by the charter party will be charged by the carrier to the charter party.

(f) Claims. Except as might otherwise be prescribed by law, all claims of whatsoever character must be filed in writing within nine (9) months with the carrier.

(g) Application and Collection of Charges.

(i) The charges published in a tariff are based on the total number of passengers in the charter party plus any additional accommodations ordered by the charter party. When the charter party and additional accommodations (if any) are of sufficient size to require two or more charter coaches, the charges shown herein will be applied separately for each charter coach used.

(ii) Charges shown herein apply for charter trips over paved, oiled, or macadam roads, or roads over which the charter coach can be operated at the time of the charter trip with safety and without undue wear on the charter coach.

(iii) All quotations are subject to the carrier being able to furnish equipment and shall apply only when the charter party makes firm commitment for the equipment and when the carrier can properly meet all the requirements of the city, state, or national park, monument or reservation, through which the charter coach must pass.

(iv) When the carrier is unable to furnish a charter coach with the exact number of seats ordered and substitutes a charter coach containing more seats, the carrier will assess charges on the basis of the total number of passengers in the charter party plus the number of additional accommodations ordered by the charter party.

(v) When the charter party requests that a carrier furnish a charter coach containing more seats than required by the number of persons in the charter party, charges will be assessed on the basis of the total number of persons in the charter party plus the number of additional accommodations ordered.

(vi) If the charter coach furnished is of greater capacity than needed to accommodate the request of the charter party, and if prior to the time the charter trip is to start from the place of origin, the number of accommodations necessary for the charter party are increased, the carrier will assess charges on the actual number of persons in the charter party plus the increased accommodations required.

(vii) If the number of persons and/or accommodations in the charter party is reduced prior to the time the charter trip is to start from the place of origin and the carrier is not notified more than two hours prior to the time the charter trip is to start to permit the substitution of a charter coach with a smaller capacity to accommodate the reduced number, the carrier will assess charges on the basis of the total number of passengers in the charter party (and accommodations) originally ordered by the charter party.

(viii) When the number of persons or accommodations for the charter party varies during the course of the charter trip, the carrier will assess charges based on the maximum number of persons or accommodations required for the charter party at any time during the charter trip.

(ix) When a charter trip is cancelled, in whole or in part, by the charter party, the carrier will assess charges depending upon notification prior to or after the dispatch departure time, as provided below.

(x) "Dispatch Departure Time", as used herein, is defined as the time a charter coach would be required to leave the dispatch point at the equipment point in order to arrive at the place of origin at the time stipulated on the charter coach order.

(xi) If a charter trip is cancelled three or more hours prior to the dispatch departure time from the equipment point, no cancellation charge will be assessed.

(xii) If a charter trip is cancelled prior to but less than three (3) hours before the dispatch departure time from the equipment point of the charter coach, a cancellation charge will be assessed for each charter coach cancelled according to the carrier's tariffs.

(xiii) If a charter trip is cancelled after the dispatch departure time, a cancellation charge per charter coach will be assessed according to the carrier's tariffs.

(xiv) Unless other arrangements are made with the carrier, a deposit to cover the cancellation charge provided in paragraph (ix) of these rules, must be made with each charter coach order. If more than one charter coach is ordered, the amount of deposit must be for each charter coach.

(xv) Charges for a series of charter movements, contracted for by an organization under a single contract, for groups of different individual members of such organization, for transportation from a single place of origin to a single designated point, with the first movement in the series to provide transportation of a charter party from the place of origin to a designated point, at which point the charter coach will be released and returned, without passengers, to the equipment point, and each succeeding movement to provide transportation of a different charter party from the same place of origin to the same designated point, on the return trip of each succeeding movement, the charter coach transporting the charter party transported on a preceding movement back to the place of origin, and on the last movement in the series, the charter coach to move without passengers from the equipment point to the designated point at which the charter party is picked up for transportation to the place of origin, will be assessed on the following basis.

(xvi) On the first and last movements in the series, one–way live mileage charges between the place of origin and the destination point, plus one–way deadhead mileage charges between the designated point and the equipment point and the place of origin, if any, shall apply.

(xvii) On all other movements in the series, round–trip live mileage charges between the place of origin and the designated point, plus round–trip deadhead mileage

charges between the equipment point and the place of origin, if any, shall apply.

(xviii) Time charges shall apply if they are greater than the charges under the provisions of items (xvi) and (xvii) of this subdivision.

(xix) On any charter movement which includes extended layover, the charter coach may be temporarily released by the charter party upon payment of deadhead mileage charges based on the round trip mileage from the place at which the charter coach is temporarily released to the equipment point from which the charter coach originated: *Provided*, That the total charge computed on this basis does not exceed the charge which would be computed under the general provisions of the applicable section. Total hours include entire time allowed on going and return mileage, despite several days' intervention before return move.

(xx) Unless otherwise agreed to by the carrier, all charges for chartered trips, including deadhead mileage charges and special services, are payable in advance.

(xxi) All charges for a charter trip must be assessed against and collected from the person or organization ordering the charter coach as prescribed by RCW 81.70.160.

(xxii) On extended charter trips, the charter party make [may] make payments in installments. These payments must be made in advance of each part of the charter trip for which they are applicable. When such arrangements are made, the carrier may, at its option, demand deposit to cover return deadhead mileage of the charter coach, if any, in case the charter trip is discontinued before completion. If the charter trip is completed, the deposit will be applied on the last payment.

(xxiii) The charges for the revised charter trip will be assessed and collected on the basis of the rates and charges published herein, plus any additional expenses incurred over and above those required by the original order.

(xxiv) Subject to the availability of equipment, the routing, duration or other arrangements of a charter trip may be modified by the charter party but only upon approval of the carrier. The charges for the revised charter trip will be assessed and collected on the basis of the rates and charges published herein, plus any additional expenses incurred over and above those required by the original order.

(xxv) If the rates and charges as published herein for the revised charter trip exceed the amount first paid, a difference between that amount and the proper charges as published herein will be collected.

(xxvi) If the rates and charges as published herein for the revised charter trip are less than the amount first paid, the difference between the rates and charges for the revised trip and the amount collected will be refunded.

(xxvii) Refund or credit will be made to the charter party based on the difference between the payments collected and the charges or credit will be made either through the general office of the carrier, or through the office at which the charter order originated. [Order R-72, § 480-40-039, filed 4/23/75; Order R-14, § 480-40-039, filed 1/6/70; Order R-12, § 480-40-039, filed 11/28/69.]

WAC 480-40-040 Liability and property damage insurance. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission, evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

(1) Passenger Seating Capacity	16 or less	17 or more
(2) Minimum amount for bodily injuries to or death of one person.	$100,000	$100,000
(3) Minimum amount for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of not less than $100,000 for bodily injuries to or death of one person).	$300,000	$500,000
(4) Minimum amount for loss or damage in any one accident to property of others.....	$ 50,000	$ 50,000

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

(2) Evidence of insurance shall be submitted on a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance", filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to charter party carriers of passengers shall carry a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement". [Order R-110, § 480-40-040, filed 10/19/77; Order R-12, § 480-40-040, filed 11/28/69; Order R-5, § 480-40-040, filed 6/6/69, effective 10/9/69.]

WAC 480-40-050 Self insurance. (1) Every charter party carrier which qualifies as a self-insurer under the provisions as set forth in RCW 81.68.065, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: *Provided, however*, That with said application

shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington Utilities and Transportation Commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier qualified and acting under the self-insurer provisions of RCW 81.68.065, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington Utilities and Transportation Commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1). [Order R-12, § 480-40-050, filed 11/28/69; Order R-5, § 480-40-050, filed 6/6/69, effective 10/9/69.]

WAC 480-40-060 Equipment of motor vehicles. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C. Thus:

"W.U.T.C.
CH-_____ "

Motor vehicles operating under a Certificate of Public Convenience and Necessity pursuant to chapter 81.68 RCW and thus already displaying a W.U.T.C. number are exempt from this regulation. In the event a certificate is revoked or cancelled the carrier shall immediately remove its certificate number from its vehicles.

(3) Motor vehicles used in the transportation of passengers shall have displayed thereon the company name and number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate sign indicating such vehicle is being operated in "charter" or "special" service in letters not less than three inches in height.

(5) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(6) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(7) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(8) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(9) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times. [Order R-12, § 480-40-060, filed 11/28/69; Order R-5, § 480-40-060, filed 6/6/69, effective 10/9/69.]

WAC 480-40-070 Operation of motor vehicles. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, 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 charter party carriers of passengers operating under chapter 81.70 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.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

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

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, 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 charter party carriers of passengers operating under chapter 81.70 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(7) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(8) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(9) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.

(10) 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 subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission." [Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.]

WAC 480-40-075 Equipment--Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; 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 charter party carrier of passengers operating under chapter 81.70 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." [Statutory Authority: RCW 80.01.040, 81.70.010, 81-.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-075, filed 8/14/80.]

WAC 480-40-080 Fees and gross operating revenue. (1) Charter party carriers of passengers 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 charter operations, as provided in chapter 81.70 RCW; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. Forms are distributed by the commission. [Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.]

WAC 480-40-090 Rules and regulations. (General Application). (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

1st. Application should be directed to the Washington Utilities and Transportation Commission, Olympia, Washington 98501; should be typewritten on one side of the paper only, size of paper to be 8 1/2 x 11 inches.

2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation

given as to the reasons why such waiver or modification is desired.

(3) All general orders, and rules and regulations applicable to the operation of auto transportation companies under authority of certificates of public convenience and necessity issued pursuant to the provisions of RCW 81.68.010 through 81.68.090, unless otherwise ordered by the commission, shall apply to charter party carriers of passengers. [Order R-12, § 480-40-090, filed 11/28/69; Order R-5, § 480-40-090, filed 6/6/69, effective 10/9/69.]

Chapter 480-50 WAC
PASSENGER AND FERRY STEAMBOAT COMPANIES

WAC

480-50-010 Definition.
480-50-020 General operation.
480-50-030 Applications.
480-50-040 Tariffs.
480-50-050 Freight classification.
480-50-060 Time schedules.
480-50-070 Suspension of service.
480-50-080 Accounts.
480-50-090 Annual reports.
480-50-100 Fees.
480-50-110 Discontinuance.
480-50-120 Failure.
480-50-130 Cancellation.
480-50-140 General.

WAC 480-50-010 Definition. For the purposes of these Rules and Regulations, the term "Passenger and Ferry Steamboar Companies" shall mean, when used herein, those steamboat companies which are required by chapter 248, Laws of 1927 to apply for and obtain from the Washington Utilities and Transportation Commission Certificates of Public Convenience and Necessity before operating. [Order R-5, § 480-50-010, filed 6/6/69, effective 10/9/69.]

WAC 480-50-020 General operation. (1) No "Passenger and Ferry Steamboat Company" shall operate as such unless and until such operation complies with and observes: All Federal and State laws providing for the registration of vessels, navigation and maritime rules and regulations and other matters which have been the subject of Federal or State enactments; the provisions of chapter 117, Laws of 1911 and chapter 248, Laws of 1927; and the general rules and regulations of this Commission applying to Steamboat Companies in addition to the rules and regulations herein.

(2) No "Passenger and Ferry Steamboat Company" shall hereafter operate, establish, or begin operation of a line or route or any extension of an existing line or route without first having obtained from the Commission a Certificate declaring that Public Convenience and Necessity require, or will require, the establishment and operation of such line or route.

(3) Any Certificate of Public Convenience and Necessity obtained by any false affidavit, statement or representation shall be subject to revocation and cancellation by this Commission. [Order R-5, § 480-50-020, filed 6/6/69, effective 10/9/69.]

WAC 480-50-030 Applications. (1) "No certificate or any right or privilege thereunder held, owned or obtained under the provisions of this act shall be sold, assigned, leased, mortgaged or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization of the commission first obtained". (Chapter 248 RCW, Laws of 1927.) Application for such sale, assignment, lease, mortgage or transfer must be made up in accordance with the rules herein.

(2) "Passenger and Ferry Steamboat Companies" desiring to operate as such shall file with the Washington Utilities and Transportation Commission application for a Certificate of Public Convenience and Necessity on forms to be furnished by the Commission.

(3) "Passenger and Ferry Steamboat Companies" desiring to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes and other evidences of indebtedness and to create liens on their property in this state shall first make application to the Commission in accordance with chapter 151, Laws of 1933, as amended, and the Rules and Regulations of the Commission governing the issuance of securities.
NOTE: See also subsection (4).

(4) Application for authority to mortgage a Certificate of Public Convenience and Necessity should be joined in by all parties interested; such application must be made on forms furnished by the Commission.

(5) Application for the sale or transfer of a Certificate shall be drawn in the same form and contain the same information as an application for an original Certificate with the following exceptions:

1st. The following statement should be placed at the head and made a part of the application:

"Certificate of Public Convenience and Necessity No. ----- is attached hereto and authorizes the furnishing of ---------- service by vessel between ---------- and ---------- and stands in the name of ----------. The applicant herein desires to purchase the rights of the said ---------- who hereby assents to the cancellation of the said certificate and the issuance in lieu thereof of a like Certificate in the name of the applicant herein. Both the Certificate holder and the applicant herein are familiar with the provisions of WAC 480-50-090(1) relating to the filing of annual reports and payment of fee on cessation of operation and jointly bind themselves to see that such rule is complied with. It is further represented by both parties hereto that the sale or transfer herein applied for is not for the purpose of hindering, delaying or defrauding creditors."

2nd. An Adoption Notice as provided for in Tariff Circular No. 6, issued by the Commission, may be substituted for the Time Schedules and Tariffs required in Items 8 and 9 in the application form.

3rd. No information such as is called for by Items 10, 15 and 16 need be given.

4th. Both applicant and Certificate holder should sign and acknowledge the application before a Notary Public.

(6) Application for extension of service, line or route under a Certificate shall be drawn in the same form and contain the same information as an application for an original Certificate as far as that form is applicable and with the following addition:

The following statement should be placed at the head and made a part of the application:

"Original Certificate of Public Convenience and Necessity No. _____ is attached hereto, stands in the name of the applicant herein and authorizes the furnishing of _____ service by vessel between _____ and _____. It is enclosed herewith for the purpose and with the request that it be amended to authorize, in addition to the present service, the extension or additional service herein applied for." (7) Application Fees

Original application for certificate	$200.00
Application for extension of certificate	200.00
Application to lease, assign, transfer or otherwise encumber a certificate	35.00
Application for issuance of duplicate certificate	3.00

[Order R-50, § 480-50-030, filed 8/8/73; Order R-5, § 480-50-030, filed 6/6/69, effective 10/9/69.]

WAC 480-50-040 Tariffs. (1) "Passenger and Ferry Steamboat Companies" shall prepare, publish, file and when necessary reissue their tariffs drawn in accordance with and subject to the provisions of the Commission's "Tariff Circular No. 5," supplements thereto and reissues thereof.

(2) Tariffs of "Passenger and Ferry Steamboat Companies" must be drawn in the name of the Certificate holder and show the certificate number in connection therewith. [Order R-5, § 480-50-040, filed 6/6/69, effective 10/9/69.]

WAC 480-50-050 Freight classification. Boat companies publishing class rates for the movement of freight shall use such freight classification as may be prescribed by or permitted by the Commission. [Order R-5, § 480-50-050, filed 6/6/69, effective 10/9/69.]

WAC 480-50-060 Time schedules. (1) "Passenger and Ferry Steamboat Companies" shall publish and file with the Commission Time Schedules showing all service given under their Certificates and the manner in which it is available as follows:

(2) Time Schedules shall be typewritten or printed on hard calendered paper, 8-1/2 x 11 inches in size. A margin of not less than 5/8 of an inch must be left for binding.

(3) Title page of Time Schedules must be made up as follows (See sample Time Schedule in subsection (9)):

1st. Time Schedule must be numbered consecutively in the upper right hand corner, beginning with Number 1, and must show the number of the Time Schedule cancelled thereby, if any.

2nd. Name of the Certificate holder and the number of the Certificate. The Trade Name under which an operation is conducted may also be shown.

3rd. The termini or points between which the Time Schedule applies, briefly stated.

4th. A definite statement of the route or routes traversed including the names and locations of all docks and landings used.

5th. The date when the Time Schedule is issued, posted and filed with the commission and the date when the Time Schedule is to become effective. (If issued on less than fifteen (15) days' notice by permission of the Commission, the number of such special permission must be shown directly under the effective date, as provided in subsection (7)).

6th. The name, title and address of the official issuing such Time Schedule, including street address.

(4) Time Schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between TERMINI.

3rd. The DAYS upon which each trip will be given.

4th. The DISTANCE between all points shown in the schedule.

5th. The Time Schedule shall show any limitations of service contained in the Certificate and any restriction or limitation of the service given at or between the points shown as served.

(5) At least one copy of each Time Schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(6) Two copies of each Time Schedule shall be filed with the Commission at Olympia on or before the date shown as the date of its issuance.

(7) Changes in the operation under a Certificate which affect in any way the information or service shown in the Time Schedule then in effect must be made only after a new Time Schedule has been issued and been made effective as follows:

1st. A new Time Schedule must be issued, bearing the next consecutive number, and stating the number of the Time Schedule cancelled thereby as provided in subsection (3), as for example:

"Time Schedule No. 2
cancels
Time Schedule No. 1"

2nd. Copies of the new Time Schedule shall be posted and filed, in accordance with subsections (4) and (5), at least 15 days before the effective date thereof.

3rd. After such fifteen (15) days, the new Time Schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

4th. The Commission may, prior to the effective date of a new time schedule, on its own motion, or on the filing of a sufficient protest by any person or persons affected, order such Time Schedule withdrawn, modified or suspended.

5th. In case of actual emergency or when real merit is shown, the Commission may, in its discretion, permit such Time Schedule to become effective on less than fifteen (15) days notice, in which case the Time Schedule must show on the Title page thereof, directly under the effective date, the number and date of such special permission as follows, to wit:

"Effective ---------- (date) -----
Authority, S. B., L. S. N. Permit No. -----"

(8) Time Schedules as filed with the Commission and posted for the information of the public must be adhered to.

(9) Sample Time Schedule:

Time Schedule No. 2
cancels
Time Schedule No. 1

TIME SCHEDULE

of
NELS PETERSON
Certificate No. 500
Operating Under Trade Name of
PUGET FERRIES
Furnishing
PASSENGER, FREIGHT AND FERRY SERVICE
Between
PONSEND, Washington, and BELL, Washington
via
CORTANA
With terminals at
PONSEND: Puget Dock, Foot of Puget St.
CORTANA: Dock at 912 Water St.
BELL: Pier 4, Foot of Victoria Way
Issued January 1, 1937 Effective January 16, 1937
Issued by J. B. Doe, Manager
912 Water Street
Cortana, Washington

Northbound

Miles	Stations	Daily A.M.	Daily Ex. Sunday P.M.	Sunday Only P.M.
0.0	Lv. PONSEND ...	7:30	2:30	5:30
18.5	Lv. CORTANA ...	8:45	3:45	6:45
32.5	Ar. BELL	9:30	4:30	7:30

Southbound

Miles	Stations	Daily A.M.	Daily Ex. Sunday P.M.	Sunday Only P.M.
0.0	Lv. BELL	10:00	5:00	8:00
14.0	Lv. CORTANA ..	10:45	5:45	8:45
32.5	Ar. PONSEND ..	12:00	7:00	10:00

NOTE: In bad weather landing will be made at Long Cove Dock instead of Cortana.

NOTE: Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement.

[Order R-5, § 480-50-060, filed 6/6/69, effective 10/9/69.]

WAC 480-50-070 Suspension of service. (1) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four (24) hours, shall be reported promptly in writing to the Commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(2) Discontinuance or suspension of service for a period of five (5) consecutive days without notice to the Commission shall be deemed a forfeiture of all right secured under and by virtue of any order or permission to operate, issued by the Commission: *Provided, however,* That the Commission may permit the resumption of operation after such five (5) day discontinuance or suspension, on proper showing that the carrier was not responsible for the failure to give service or notice. [Order R-5, § 480-50-070, filed 6/6/69, effective 10/9/69.]

WAC 480-50-080 Accounts. (1) The accounts and records of "Passenger and Ferry Steamboat Companies" shall be kept in accordance with and as prescribed by the Commission's "Uniform Classification of Accounts and Statistics for Water Transportation Companies", supplements and amendments thereto and revisions and reissues thereof.

(2) The accounts, records and statistics of "Passenger and Ferry Steamboat Companies" must be kept reasonably up to date to the end that they will disclose at all times the information and data required to be kept. [Order R-5, § 480-50-080, filed 6/6/69, effective 10/9/69.]

WAC 480-50-090 Annual reports. (1) "Passenger and Ferry Steamboat Companies" shall at the close of each year file with the Commission reports covering their operations during the preceding calendar year, such annual reports to contain the data and information required by and to be prepared on forms which shall be obtained for that purpose from the Commission. Such annual report must be filed with the Commission as soon after the close of each calendar year as possible but in no event later than April 1st of the succeeding year.

(2) "Passenger and Ferry Steamboat Companies" shall on or before the first day of April of each year file with the Commission a statement showing the gross operating revenue of such company for the preceding calendar year. The annual report required by subsection (1) shall contain the statement of gross operating revenue and other information therein required. [Order R-5, § 480-50-090, filed 6/6/69, effective 10/9/69.]

WAC 480-50-100 Fees. (1) Every statement of gross operating revenue so filed shall be accompanied by a fee based upon such gross operating revenue and in an amount to be fixed each year by order of the Commission.

(2) When a Certificate is transferred or cancelled or for any reason a "Passenger and Ferry Steamboat Company" ceases operation under a Certificate, an annual

report as required by WAC 480-50-080(1) and a statement of the gross operating revenue as required by WAC 480-50-080(2) must be filed and the gross operating revenue fee as required by subsection (1) must be paid to the Commission. Such report and fee must be furnished within fifteen (15) days after the "Passenger and Ferry Steamboat Company" ceases operation and must cover the period from the first of the year to the date of cessation of operations. [Order R-5, § 480-50-100, filed 6/6/69, effective 10/9/69.]

WAC 480-50-110 Discontinuance. No "Passenger and Ferry Steamboat Company" shall discontinue the service called for under its Certificate and the Time Schedule filed thereunder, without first having given to the Commission and to the public, at least fifteen (15) days notice in writing of its desire to discontinue such service, and having secured from the Commission permission so to do. [Order R-5, § 480-50-110, filed 6/6/69, effective 10/9/69.]

WAC 480-50-120 Failure. Failure on the part of any "Passenger and Ferry Steamboat Company" to comply with the orders of the Commission, with these Rules and Regulations, with the provisions and conditions of its Certificate or with the requirements of chapter 117, Laws of 1911 and chapter 248, Laws of 1927, will be sufficient cause for the Commission, in its discretion, to revoke its Certificate. [Order R-5, § 480-50-120, filed 6/6/69, effective 10/9/69.]

WAC 480-50-130 Cancellation. A Certificate may be cancelled at any time, after hearing, when it appears that Public Convenience and Necessity no longer require the operation authorized by such Certificate. [Order R-5, § 480-50-130, filed 6/6/69, effective 10/9/69.]

WAC 480-50-140 General. (1) "Passenger and Ferry Steamboat Companies" are required to observe the above rules and regulations in addition to rules and regulations prescribed by the Commission for Public Service Companies in general except in cases of conflicting rules when rules prescribed herein will govern.

(2) The above rules and regulations are subject to such changes and modifications as the Commission from time to time may deem advisable and also subject to such exceptions as may be considered just and reasonable in individual cases.

(3) Applications for the waiver or modification of any of the rules and regulations of the Commission must be typewritten and reference to each rule of which modification or waiver is requested should be set out in a separate paragraph with full explanation of the reasons which it is felt justify the desired waiver or modification. [Order R-5, § 480-50-140, filed 6/6/69, effective 10/9/69.]

Chapter 480-60 WAC
RAILROAD COMPANIES——CLEARANCES

WAC

480-60-010 Application of rules.
480-60-020 Exemptions.
480-60-030 Definitions.
480-60-040 Overhead clearances.
480-60-050 Side clearances.
480-60-060 Track clearances.
480-60-070 Marking of cars.
480-60-080 Operation of excess dimension loads.
480-60-090 Narrow gauge railroads transporting freight cars.
480-60-990 Illustration——Typical clearance of structures from railroad tracks.
480-60-99001 Illustration——Typical track spacing.
480-60-99002 Table——Class of highway.
480-60-99003 Diagram——Clearance diagram for underpasses two-way highway traffic.

Reviser's note: WAC 480-60-010 through 480-60-090 are filed 6/6/69, as stated in the order of publication to become effective when published in the Washington Administrative Code. The declared effective date of these rules, as filed by Order R-5, is October 9, 1969.

WAC 480-60-010 Application of rules. (1) Subsequent to December 1, 1950, in all construction and reconstruction of tracks or structures adjacent thereto, on all railroads over which freight cars are transported or proposed to be transported, the following minimum clearances shall be allowed.

(2) A railroad company shall not operate freight cars, locomotives or other rolling equipment over tracks constructed subsequent to December 1, 1950, or tracks adjacent to buildings and structures constructed or reconstructed subsequent to that date, wherein the clearances are less than those prescribed in these rules.

(3) Where specific authority has been issued for deviation from these clearances for construction occurring subsequent to December 1, 1950, but prior to the effective date of the order in Cause No. T-8499 amending clearance rules of December 1, 1950, authority so issued shall remain in effect.

(4) Overhead clearances authorized in these rules are applicable to tracks on which freight cars having a height to running board of fifteen (15) feet six (6) inches or less are transported. In the case of cars or loads exceeding fifteen (15) feet six (6) inches, WAC 480-60-070 and 480-60-080 must be complied with.

(5) Side clearances authorized in these rules are applicable to tracks on which freight cars having an overall width not greater than ten (10) inches are transported. In the case of cars or loads exceeding ten (10) feet ten (10) inches, WAC 480-60-070 and 480-60-080 must be complied with. [Order R-5, § 480-60-010, filed 6/6/69, effective 10/9/69.]

WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure or facility are less than the minimum prescribed in these rules, but where lawfully created prior to the effective date thereof, the minimum clearances prescribed herein shall be provided whenever the building, structure or facility is relocated or reconstructed; however, the Washington Utilities and Transportation Commission will consider specific requests for

the future continuance of heretofore lawful clearances at such reconstructed building, structure or facility when application thereof has been made as provided in subsection (3).

(2) Where restricted clearances are necessary nothing herein shall be construed as preventing the movement of material over tracks when such material is necessary in the construction or maintenance of such tracks, nor in the movement of special work equipment used in the construction, maintenance or operation of the railroad, provided such movements shall be carried on under the conditions as are necessary to provide for the safety of all concerned; nor shall these rules be applicable, provided reasonable safety precautions are observed, during periods of actual emergency due to wrecks, derailments, washouts and like conditions.

(3) If in any particular case, exemption from any of the requirements herein is deemed necessary by the carrier or industry concerned, the Washington Utilities and Transportation Commission will consider the application of such carrier or industry for such exemptions when accompanied by a full statement of the conditions existing and the reason why such exemption is asked. Any exemption so granted will be limited to the particular case covered by the application.

(4) The Washington Utilities and Transportation Commission reserves the right to modify any of the provisions of these regulations in specific cases, when, in its opinion, safety of railroad employees, public safety, convenience or necessity would be served by so doing.

(5) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the Safety Standards for Logging Operations, published by the Division of Safety of the Department of Labor and Industries of the State of Washington, are exempted from these rules. [Order R–5, § 480–60–020, filed 6/6/69, effective 10/9/69.]

WAC 480–60–030 Definitions. (1) The overhead clearance is that distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and the lowest point of the overhead structure or obstruction.

(2) The side clearance is the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.

(3) The track clearance is the shortest distance between the centerlines of adjacent tracks.

(4) Height of a freight car is the distance between the top of rail and the top of running board.

(5) Width of a freight car is twice the distance from the centerline of the car to the extreme outside part thereof.

(6) Icing platforms: The term "Icing Platform" shall include structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring the above services.

(7) Constituted authority shall mean the Commission.

(8) Overcrossing when used in this order means any point or place where a highway crosses a railroad by passing above the same. Clearances shall be as specified in WAC 480–60–040, subsections (1) and (3).

(9) Undercrossing when used in this order means any point or place where a highway crosses a railroad by passing under the same. Existing laws pertaining to highways shall prevail. [Order R–5, § 480–60–030, filed 6/6/69, effective 10/9/69.]

WAC 480–60–040 Overhead clearances.

(1) Overhead Clearance in General ..... 22'6"

(2) Overhead Clearance in Buildings ..... 18'0"

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen (18) feet, provided that this clearance shall apply only to tracks terminating within the building, and further provided, that when an overhead clearance of less than twenty–two (22) feet six (6) inches is established therein, all cars, locomotives or other equipment shall be brought t a stop before entering such enclosed building, the conditions provided to require such stop to be approved by constituted authority.

NOTE: Engine houses and car shops are exempt from these regulations.

(3) Overhead Clearance in Tunnels and Bridges.

Minimum overhead clearance in tunnels and through bridges may be decreased to the extent defined by the half–circumference of a circle having a radius of eight (8) feet and tangent to a horizontal line twenty–two (22) feet six (6) inches above top of rail at a point directly above the centerline of track.

(4) Overhead Clearance – All Other Structures.

Minimum overhead clearance as prescribed in subsection (1) above may be decreased to the extent defined by the half–circumference of a circle having a radius of eight (8) feet six (6) inches and tangent to a horizontal line twenty–two (22) feet six (6) inches above top of rail at a point directly over the centerline of track.

(5) Overhead Clearance of Wires.

All wires in general shall have a minimum vertical clearance of not less than that specified by the safety rules for the Installation and Maintenance of Electric Supply and Communication Lines as provided by the Rules for Electrical Construction and the Electrical and Communication Workers Safety Rules of the State of Washington. [Order R–5, § 480–60–040, filed 6/6/69, effective 10/9/69.]

WAC 480–60–050 Side clearances.

(1) Side Clearance in General ..... 8'6"

NOTE: To further reduce operational hazards, it is recommended that, wherever practicable, all posts, pipes, warning signs and other small obstructions be given a side clearance of ten (10) feet.

Side Clearance at Platforms:

(2) Platforms – 8" or less above top of rail ..... 4'8"

(3) Platforms – 4'0" or less above top of rail ..... 7'3"

NOTE: Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.

(4) Platforms – 4'6" or less above top of rail – when used principally for loading or unloading refrigerator cars ..... 8'0"

(5) Icing Platforms and Supports ..... 7'3"

NOTE: Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.

(6) Platforms – Other Than Above ..... 8'6"

NOTE: Retractable platforms, either sliding or hinged, which are attached to a permanent structure shall be so designed that when not in use no part of such retractable platform shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail

(7) Platforms – Combinations of Any Above.

NOTE: Platforms defined under (2) above may be combined with either (4) or (3) provided that the lower platform presents a level surface from a point not more than four (4) feet eight (8) inches from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(8) Platforms – Extension of Existing Platforms.

NOTE: Platforms which were constructed at lawful clearances prior to the effective date of this order may be extended at existing clearances upon approval of constituted authority.

(9) Side Clearance – Bridges and Tunnels ..... 8'0"

(10) Bridges and Tunnels – Upper Section (See WAC 480-60-040(3))

Side clearance in through bridges and tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight (8) feet and tangent to a horizontal line twenty–two (22) feet six (6) inches above top of rail directly above centerline of track.

(11) Bridges – Lower Section and Structures 4' High or Less. Through bridges supporting track affected, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions thereof, four (4) feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five (5) feet distant laterally from centerline of track to a point four (4) feet above top of rail and eight (8) feet distant laterally from centerline of track: *Provided*, That the minimum clearance for hand rails and water barrels shall be seven (7) feet six (6) inches and the minimum clearance for fences of cattle guards shall be six (6) feet nine (9) inches.

NOTE: Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on through bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead.

(12) Side Clearance – Cattle Guards and Cattle Chutes. (See subsection (11))

(13)(a) Side Clearance – Warehouse Doors ..... 8'6"

(b) Side Clearance – Engine House and Car Repair Shop Doors ..... 7'6"

(14) Side Clearance – Hand Rails on Bridges and Trestles. (See subsection (11))

(15) Side Clearance – Interlocking Mechanism, Switch Boxes, Etc. ..... 3'0"

Switch boxes, switch operating mechanism necessary for the control and operation of signals and interlockers projecting four (4) inches or less above top of rail.

(16) Side Clearance – Mail Cranes and Train Order Stands When Not in Operative Position ..... 8'6"

(17) Side Clearance – Oil Columns (See subsection (11)) ..... 8'0"

(18) Side Clearance – Poles Supporting Trolley Contact ..... 8'3"

Conductors supplying motive power to track affected – of bracket construction.

(19) Side Clearance – Poles Other than trolley poles ..... 8'6"

(20) Side Clearance – Signals and Switch Stands 3' High or less when located between tracks where not practicable to provide clearances otherwise prescribed in these rules ..... 6'0"

(21) Side Clearance – Signals and Switch Stands other than above ..... 8'0"

(22) Side Clearance – Tunnels. (See subsection (10)) ..... 8'0"

(23) Side Clearance – Water Barrels on Bridges (See subsection (11))

(24) Side Clearance – Water Columns. (See subsection (11)) ..... 8'0"

(25) Side Clearances on Curved Track.

NOTE: Side clearances adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1–1/2" for each degree of curvature.

(26) Side Clearances – Material or Merchandise Adjacent to tracks ..... 8'6"

NOTE: No merchandise, material or other articles shall be placed or stored on ground or platforms adjacent to any track at a distance less than eight (8) feet six (6)

inches from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this note impossible.

(27) Clearances – Car Puller Units and Appurtenances.

NOTE: Clearances shall be only as approved on application to the Commission

[Order R–5, § 480–60–050, filed 6/6/69, effective 10/9/69.]

WAC 480–60–060 Track clearances.

(1) Track Clearances – In General ..... 14'0"

The minimum distance between the centerlines of parallel standard qauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors or like equipment, shall be fourteen (14) feet, except as hereinafter prescribed.

(2) Track Clearances – Main and Subsidiary Tracks ..... 15'0"

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, shall be at least fifteen (15) feet from the centerline of such main track or passing track: *Provided, however,* That where a passing track is adjacent to and at least fifteen (15) feet distant from the main track, any other track may be constructed adjacent to such passing track with clearance prescribed in subsection (1).

(3) Track Clearances – Parallel Team, House or Industry Tracks ..... 13'0"

Minimum clearances between centerlines of parallel team, house or industry tracks shall be thirteen (13) feet.

(4) Track Clearances – Parallel Ladder or Ladder and Other Track ..... 20'0"

The centerline of any standard gauge ladder track, constructed parrallel to any other track, shall have a clearance of not less than twenty (20) feet from the centerline of such other track.

(5) Track Clearances – Existing Tracks.

NOTE: Existing tracks may be extended at clearances lawfully prescribed prior to the effective date of this order.

[Order R–5, § 480–60–060, filed 6/6/69, effective 10/9/69.]

WAC 480–60–070 Marking of cars. (1) Cars Exceeding 15'6" in Height.

Each car of a height exceeding fifteen (15) feet six (6) inches from top of rail to top of running board, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS
HEIGHT"

The words "EXCESS HEIGHT" to occupy the greater portion of a rectangular space 7" x 10" enclosed within a 3/4" solid border. The markings required shall be made permanent on owned cars as soon as practicable. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners.

(2) Cars Exceeding 10'10" in Width.

Each car of a width exceeding ten (10) feet ten (10) inches, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS
WIDTH"

The words "EXCESS WIDTH" to occupy the greater portion of a rectangular space 7" x 10" enclosed within a 3/4" solid border. The markings required shall be made permanent on owned cars as soon as practicable. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners. [Order R–5, § 480–60–070, filed 6/6/69, effective 10/9/69.]

WAC 480–06–080 Operation of excess dimension loads. (1) Cars Containing Lading in Excess of 15'6" High and/or 5'5" From Centerline of Car.

Each open top car containing lading of a height exceeding fifteen (15) feet six (6) inches above top of rail, or which extends laterally more than five (5) feet five (5) inches from the centerline of the car, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS
HEIGHT"

or

"This car
EXCESS
WIDTH"

The words "EXCESS HEIGHT" or "EXCESS WIDTH" to occupy the greater portion of a space 7" x 10" enclosed within a 3/4" solid border. Letters and border to be of contrasting colors. All such required markings and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners where practicable, and in addition one each of such signs shall be placed on each side of the load in a conspicuous position.

(2) Cars Containing Lading Which Extends Laterally in Excess of 5'5".

The movement of open top cars containing lading which extends laterally in excess of five (5) feet five (5) inches is hereby authorized only if the lading is of such a nature that it cannot practically be reduced in dimensions.

(3) Lading Higher Than 15'6" or Extending Laterally More Than 5'5–1/2".

The movement of all open top cars having lading in excess of fifteen (15) feet six (6) inches in height, or which extends laterally in excess of five (5) feet five and one-half (5-1/2) inches from centerline of car will be authorized by written notice stating the total number of such cars and advising that no member of the train crew is required to ride on top of such high car or the side of any such wide car.

(4) A written notice shall be delivered to every train containing any car, the lading of which extends laterally in excess of 5'5-1/2" from the centerline of the car or in excess of 15'6" in height above top of rails, informing the crew of the train that the train includes such car or cars, stating the total number thereof and advising that no member of the train crew is required to ride on the side of any such wide car or top of any such high car.

(5) Notice to Yard Supervisors.

Yard Supervisors shall be given notification sufficiently in advance of the arrival of such wide loads as described in subsection (3) as to enable them to take necessary precautions to safeguard employees in yard.

(6) Loads Which Cannot Be Passed Over By Employees.

Open top cars containing lading having an overall height in excess of fifteen (15) feet six (6) inches above top of rail, if otherwise in compliance with these requirements, and the nature of which precludes the possibility of employees passing over the cars, are exempt from the provisions of subsections (3), (4) and (5), but written notice must be given to all members of train crew informing them of the presence of such loads.

(7) Exemptions.

The common carrier railroads are hereby authorized to move excess height loads and width loads, as described in subsection (1) over roads or portions thereof, without complying with the provisions of section 480-60-080 WAC, provided that clearances equivalent to the minimum herein prescribed for cars having a height of fifteen (15) feet six (6) inches and width of ten (10) feet ten (10) inches are maintained. [Order R-5, § 480-60-080, filed 6/6/69, effective 10/9/69.]

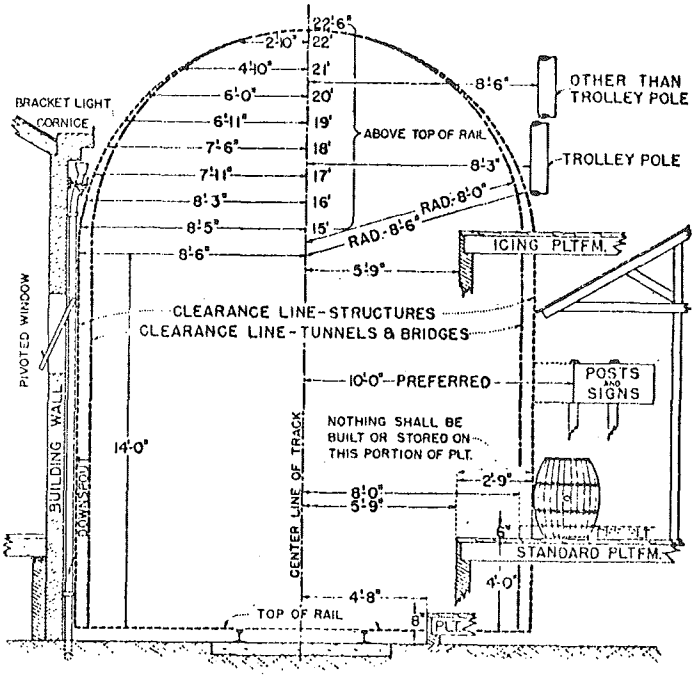
WAC 480-60-090 Narrow gauge railroads transporting freight cars. (1) Overhead and Side Clearances.

For the operation of equipment on narrow gauge tracks, the minimum overhead clearance shall provide a distance above the top of the highest car operated not less than that provided in these rules for cars fifteen (15) feet six (6) inches in height operated on standard gauge tracks; the side clearances and distances between centerlines of tracks shall provide a distance from the sides of, or between the widest cars operated not less than those distances herein provided for cars ten (10) feet ten (10) inches in width operated on standard gauge tracks.

(2) All other requirements of these rules where applicable shall be observed by narrow gauge railroads. [Order R-5, § 480-60-090, filed 6/6/69, effective 10/9/69.]

WAC 480-60-990 Illustration--Typical clearance of structures from railroad tracks.

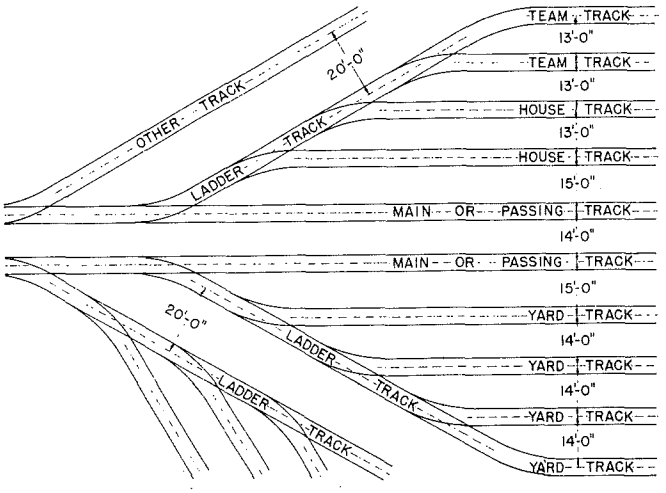
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS



[Order R-5, Illustration (codified as WAC 480-60-990), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99001 Illustration--Typical track spacing.

TYPICAL TRACK SPACING



NOTE

EXISTING TRACKS MAY BE EXTENDED AT CLEARANCES LAWFULLY PRESCRIBED PRIOR TO THE EFFECTIVE DATE OF THIS ORDER

[Order R-5, Illustration (codified as WAC 480-60-99001), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99002 Table——Class of highway.

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CLASS OF HIGHWAY

	CLASS I			CLASS II			CLASS III			CLASS IV			CLASS V			CLASS VI		FRONTAGE ROADS (c) CLASS IF		CLASS 2F
TERRAIN	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL & ROLLING		MOUNT.	LEVEL & ROLLING	MOUNT.			
ADT IN 20 YEARS	OVER 15,000	OVER 15,000	OVER 17,000	15,000 MAX.	15,000 MAX.	17,000 MAX.	Refer to Design Capacity Table			Refer to Design Capacity Table			600 TO 200			UNDER 200		1,000 TO 500	600 TO 100	UNDER 100
DHV IN 20 YEARS	OVER 2,700	OVER 1,150	OVER 1,800	2,700 MAX.	1,150 MAX.	1,800 MAX.							90 TO 30			UNDER 30		180 TO 80	80 TO 18	UNDER 15
TRUCK ADT IN 20 YEARS							OVER 600	OVER 450	OVER 300	UNDER 600	UNDER 450	UNDER 300								
SEPARATION OF ALL CROSS TRAFFIC REQUIRED	YES			Separate Where Cross Traffic Warrants			Separate Where Cross Traffic Warrants			NO			NO			NO		NO		
CONTROL OF ACCESS REQUIRED	FULL			According to Master Plan			According to Master Plan			According to Master Plan			NO			NO		NO		
NUMBER OF TRAFFIC LANES	4 or more (Divided)			4 (Divided)			2			2			2			2		2	2	1
DESIGN SPEED M.P.H.	70	60	50	70	60	50	70	60	50	70	60	50	60	50	40	35	25	40	30	25
CURVATURE Desirable	3°	4°	6°	3°	4°	6°	3°	4°	6°	3°	4°	6°	4°	6°	9°-30'	13°	13°	9°-30'	13°	20°
CURVATURE Maximum	4°	5°	6°	4°	5°	6°	4°	5°	6°	4°	5°	6°	5°	8°	13°	18°	30°	13°	20°	58°
GRADIENT Desirable	2.5%	3%	4%	2.5%	3%	4%	2.5%	3%	4½	2.5%	4%	5%	3%	5%	6%	7%	7%	6%	7%	7%
GRADIENT Maximum	3%	5%	5%	3%	5%	5%	3%	5%	5%	3%	5%	6%	5%	6%	7%	10%	10%	7%	10%	10%
SIGHT DISTANCE Min Safe Stopping	600'	475'	350'	600'	475'	350'	600'	475'	350'	600'	475'	350'	475'	350'	275'	225'	150'	275'	200'	150'
SIGHT DISTANCE Min Safe Passing							2,300'	2,000'	1,700'	2,300'	2,000'	1,700'	2,000'	1,700'	1,300'	1,000'	600'			
TRAFFIC LANE WIDTH	12'			12'			12'			11'			10'			9'		10'	9'	12'
SHOULDER WIDTH	10'		10'(a)	10'		10'(a)	10'		10'(a)	8'		8'(a)	4'			3'		4	3'	3'
MIN. MEDIAN WIDTH	15'		4'	15'		4'														
PAVEMENT TYPE (b)	High			High			High			Intermediate or (High)			Low or (Intermediate)			Low or (None)		Low or (Intermediate)	Low or (None)	Low or (None)
MIN. RIGHT OF WAY WIDTH	4.5" FROM OUTER EDGE OF PAVEMENT 200' MIN.			4.5" FROM OUTER EDGE OF PAVEMENT 200' MIN.			150'			150'			100'			60'		60'	60'	40'
ILLUMINATION	As Required			As Required			As Required at Intersections													
STRUCTURES (Minimum Standards)																				
Load Capacity	H20 - S16			H20 - S16			H20 - S16			H15 - S12			H15 - S12			H15 - S12		H15-S12	H15	H15
Vertical Clearance	14'-6" Minimum 15'-0" Desirable																			
Bridge Width (0 to 80' LONG)	69'			69'			42'			36'			26'			24'		26'	24'	18'
Bridge Width (over 80' LONG)	56'			56'			28'			26'			26'			24'		26'	24'	18'

NOTES:
(a) Shoulder width may be reduced to 4 feet for short sections in heavy rock excavation.
(b) Definitions of Pavement Types:
"High - Cem. Conc. - 6" Min. on Adequate Base; Asph. Conc. - 3" Min. on Cem. Treated Base
Inter. - Asph. Conc. - Under 3" / Bit. Penet. Mac. - 1" Min. / Road Mix. - 1" Min.) Or Adequate Base
Low - L.B.S.T. - ¾" Min.
"Exceptions are possible in arid areas.
Types in ( ) should be secondary choice.
(c) Frontage Roads: For volumes over 1,000 ADT, use Class IV Highway for 50 mph design speed.
Interstate Routes: Interstate Standards will apply.

DESIGN CAPACITY TABLE

TERRAIN	PER CENT SIGHT DIST. RESTRICTED	MAXIMUM DHV FOR CLASS OF HIGHWAY SHOWN													
		0% TRUCKS		5% TRUCKS		10% TRUCKS		15% TRUCKS		20% TRUCKS		25% TRUCKS		30% TRUCKS	
		CLASS III	CLASS IV	CLASS III	CLASS IV	CLASS III	CLASS IV	CLASS III	CLASS IV	CLASS III	CLASS IV	CLASS III	CLASS IV	CLASS III	CLASS IV
LEVEL	0	900	770	840	720	780	670	740	630	690	590	660	560	620	530
	20	860	740	800	690	750	640	700	610	660	570	630	540	590	510
	40	800	690	740	640	700	600	650	560	620	530	580	500	550	480
	60	720	620	670	580	630	540	590	510	550	480	530	450	500	430
ROLLING	0	900	770	750	640	640	550	560	480	500	430	450	390	410	350
	20	860	740	720	620	610	530	510	460	480	410	430	370	390	340
	40	800	690	670	580	570	490	500	430	450	380	400	250	360	310
	60	720	620	600	520	510	440	450	390	400	340	360	310	330	280
MOUNT.	0	900	770	810	690	670	570	610	520	550	470	490	420	440	380
	20	860	740	770	660	640	550	580	500	520	450	470	400	420	360
	40	800	690	720	620	600	520	540	470	490	420	440	380	400	340
	60	720	620	650	560	540	470	490	420	440	380	400	340	360	310

NOTES ON DESIGN CAPACITY TABLE:
Procedure in use of table:
1. Determine: (a) type of terrain, (b) % of length that sight distance is restricted to less than 1500 feet, (c) % of trucks, (d) DHV estimated for 20 years hence.
2. Select the class of highway required from the table using the above four conditions.
3. When the truck ADT requires a higher class of highway than the findings from this table indicate, the truck ADT shall govern.
Ratio of ADT to DHV varies with every case. DHV generally averages 10 % to 15 % of ADT.
Consideration should be given to climbing lanes as compared with going to a higher class of highway
Reference: Highway Capacity Manual.

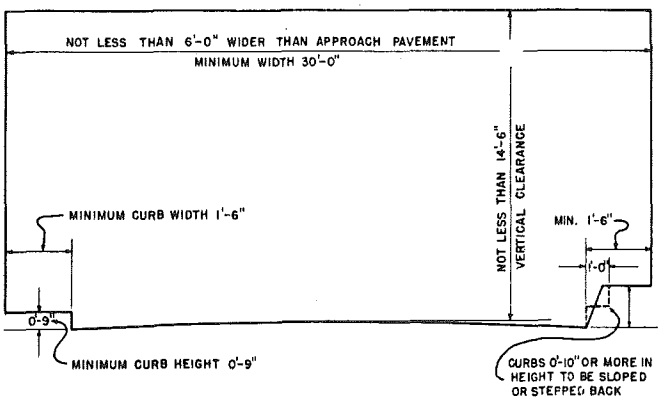
STANDARD
GEOMETRIC DESIGN STANDARDS
FOR RURAL STATE HIGHWAYS
WASHINGTON STATE HIGHWAY COMMISSION
DEPARTMENT OF HIGHWAYS
OLYMPIA, WASHINGTON
APPROVED FEB 11 1958

K-2

[Order R-5, Table (codified as WAC 480-60-99002), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99003 Diagram--Clearance diagram for underpasses two-way highway traffic.

CLEARANCE DIAGRAM FOR UNDERPASS
TWO-WAY HIGHWAY TRAFFIC



REFERENCE:
STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES - THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS.

[Order R-5, Diagram (codified as WAC 480-60-99003), 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 fusees, 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 antiseptic, 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 fusees 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 fusees 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 480-63 WAC
RAILROAD COMPANIES——WEIGHING

WAC

480-63-010 Scales must be balanced.
480-63-020 Uncoupling and spotting cars.
480-63-030 Tare weights.
480-63-040 Weighing of empty cars.
480-63-050 Long cars and over scale capacity cars.
480-63-060 Double and triple loads.
480-63-070 Foreign matter on cars.
480-63-080 Care of scale.
480-63-090 Commission inspection and testing.

WAC 480-63-010 Scales must be balanced. Weighmasters must always balance scales before weighing is started. [Order R-5, § 480-63-010, filed 6/6/69, effective 10/9/69.]

WAC 480-63-020 Uncoupling and spotting cars. Each car must be spotted (standing still) on scale with a full clear bearing,* except on scales specifically designed for weighing cars in motion, and must be uncoupled free at both ends by the complete parting of the knuckles except when impractical such as in the weighing of double or triple loads.** The uncoupling requirement does not apply to scales or systems designed to weigh cars in motion with the cars coupled.

*As amended by Order No. T-9465 effective August 5, 1960.

**As amended by Order No. T-9947 effective September 25, 1967.

[Order R-5, § 480-63-020, filed 6/6/69, effective 10/9/69.]

WAC 480-63-030 Tare weights. When marked tare (stenciled tare) is used, weighmaster must personally read stenciling shown on car. If no stenciled tare on car, records must show "No Tare." When actual tare is used records must show actual tare. [Order R-5, § 480-63-030, filed 6/6/69, effective 10/9/69.]

WAC 480-63-040 Weighing of empty cars. The same care and rules must be used when weighing empty cars as observed for loaded cars. Empty cars weighed for restenciling must be thoroughly cleaned of all foreign matter before weighing. [Order R-5, § 480-63-040, filed 6/6/69, effective 10/9/69.]

WAC 480-63-050 Long cars and over scale capacity cars. If length of scale will not accommodate a long car or when gross weight exceeds capacity of scale, car must be weighed in two drafts by weighing half the car in each draft to secure the total gross. [Order R-5, § 480-63-050, filed 6/6/69, effective 10/9/69.]

WAC 480-63-060 Double and triple loads. Double and triple loads must be weighed in the most practical manner, taking particular care to get correct gross weight and to use correct tare total for cars included in gross. [Order R-5, § 480-63-060, filed 6/6/69, effective 10/9/69.]

WAC 480-63-070 Foreign matter on cars. An estimate shall be made and a record kept of the amount of snow, ice, refuse or other foreign matter, if any, on cars at time of weighing either loaded or empty. [Order R-5, § 480-63-070, filed 6/6/69, effective 10/9/69.]

WAC 480-63-080 Care of scale. Scale beam, poise, etc., must be kept clean and free from dirt and rust and when not in use, beam must be secured by the beam latch and poise set at highest graduation.

Scale platform must be kept clean and free from refuse, snow, etc.

Engines must not be passed over live rails.

Equipment must not be allowed to stand on scale except when being weighed.

Switches must be set for dead rail track except when cars are being weighed.

Cars must not be stopped on scale by impact, by sudden application of brakes or by throwing obstructions under wheels.

Scale pits must be kept free from refuse and water. [Order R-5, § 480-63-080, filed 6/6/69, effective 10/9/69.]

WAC 480-63-090 Commission inspection and testing. The Commission will inspect the weighing of cars, inspect scales for care and maintenance, and test for accuracy. [Order R-5, § 480-63-090, filed 6/6/69, effective 10/9/69.]

Chapter 480-66 WAC
RAILROAD COMPANIES——SANITATION

WAC

480-66-010 Definitions.
480-66-020 Water supply.
480-66-030 Toilets.
480-66-040 Eating places and lunch rooms.
480-66-050 Sleeping accommodations.
480-66-060 Cleanliness and maintenance.
480-66-070 General.

Reviser's note: WAC 480-66-010 through 480-66-070 as filed 6/6/69, effective 10/9/69, as stated in the order of publication to become effective when published in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in Supplement #3 is October 9, 1969. See also, Reviser's note, Title 480 WAC Digest.

WAC 480-66-010 Definitions. As used herein or in connection with these Rules and Regulations, the following terms shall mean:

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(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.]

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WAC 480-66-010 Definitions. As used herein or in connection with these Rules and Regulations, the following terms shall mean:

(1) Bunk or Section House. Any building or portion thereof, excepting a family dwelling, in which persons

employed by railroad companies are furnished sleeping and/or living accommodations.

(2) Caboose. Any car or coach used on a train to carry the train crew.

(3) Camp Car. Any group of sleeping, dining, kitchen or recreation cars, on or off rail, furnished for the use of any one gang or group of employees.

(4) Commission. The Washington Utilities and Transportation Commission.

(5) Commissioner. A duly appointed member of the Washington Utilities and Transportation commission.

(6) Company. A common carrier railroad company as an employer.

(7) Employee. Any person employed by a company to which these rules and regulations apply.

(8) Dressing Room. A room used by employees either as a dressing room, or as a rest room, or for both purposes.

(9) Number of Employees. Unless otherwise specified, the maximum number of employees going on or coming off shift within any single hour.

(10) Railroads. Common Carrier Railroads.

(11) Sanitary. Free from or effective in preventing or checking agencies injurious to health; especially filth and infection.

(12) Station. A location where freight and/or passenger traffic is ordinarily received and delivered and at which an employee is regularly assigned for duty.

(13) Terminal. A location where engine and train crews in yard and train service and switchmen, switch tenders and car clerks are regularly required to report for or relieved from duty.

(14) Toilets. Fixtures such as flush toilets, chemical closets, or privies for the purpose of defecation, unless otherwise specified.

(15) Usual Place of Employment. The place where an employee works with a reasonable measure of continuity throughout the major part of his company service.

(16) Yards. Yards, section headquarters, locomotive and car shops.

(17) Office Work Area. A yard office, station, depot, terminal, or freight, baggage and express office which is a permanent or semi-permanent stationary facility located on railroad property and a usual place of employment for the performance of clerical and/or work concerned with or identified with the office functions of the company. [Order R-5, § 480-66-010, filed 6/6/69, effective 10/9/69.]

WAC 480-66-020 Water supply. (1) General Specifications. Water supplied for domestic and drinking purposes under these regulations shall meet the standards of the State Department of Health. Cross-connections between a potable and impotable water supply are prohibited.

(2) Drinking Water.

(a) An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the State Department of Health or an approved water line.

(b) When necessary, this water shall be provided in suitable, clean, sterilized and sanitary containers conveniently placed for the use of employees, but not in toilet rooms. Each container shall be equipped with an approved type of fountain, approved faucet, or other approved dispenser.

(c) All containers used to furnish drinking water shall be thoroughly cleansed and sterilized as often as necessary to assure a clean and sanitary water supply.

(d) The common drinking cup for public use is prohibited, either single service containers or drinking fountains with sanitary angle head, shall be used in lieu thereof.

(3) Required Locations.

(a) Running Facilities. Drinking water which meets the specifications of Subsections (1) and (2) shall be provided on the following equipment when in use and when offered for use at terminals having servicing and/or replenishing facilities:

(i) All locomotives.

(ii) Baggage and express cars (where employees are assigned for work en route).

(iii) Cabooses.

(iv) Camp cars.

(b) Stationary Facilities. Drinking water, according to the general specifications shall be made available at the following locations:

(i) All terminals.

(ii) All yard offices.

(iii) All stations.

(iv) All freight, baggage, and express offices (located on railroad property).

(v) All shops and engine houses.

(vi) All bunk or section houses and section headquarters.

(vii) All lunchrooms located on railroad property.

(viii) All permanent watchmen shelters at public highway crossings.

(ix) All maintenance of way camps.

(x) All office work areas.

(4) Washing Facilities.

(a) General Specifications - Wash Basins - Lavatories.

(i) Wash basins or lavatories shall be made of vitrified glazed earthenware, vitreous enameled metal, or other smooth finished material, impervious to moisture.

(ii) Twenty-four inches of trough or circular wash basin shall be considered the equivalent of one wash basin. The trough or circular wash basins shall not be equipped with a plug or stopper.

(iii) Spring closing hand operated faucets are prohibited in trough wash sinks, or circular basins.

(b) Wash Basins - Availability.

(i) An adequate number of wash basins or lavatories for maintaining personal cleanliness shall be provided within reasonable access for all employees normally assigned to work at the following locations: All terminals, all yard offices, all stations, all freight, baggage and express offices (located on railroad property), all shops and engine houses, all lunch rooms located on railroad property, and at all bunk or section houses.

(ii) The following table shall be used in determining the adequacy of washing facilities:

Number of Employees	Minimum Number of Facilities
1 to 10 persons	1 basin
11 to 24 persons	2 basins
25 to 49 persons	3 basins
50 to 100 persons	5 basins
100 persons or over	1 basin for each additional 25 employees

(iii) At least one wash basin shall be located in or adjacent to each toilet room.

(c) Wash Basins – Supplies.

(i) Hot and cold running water shall be supplied to wash basins.

(ii) Mechanical drying facilities or individual towels, either paper or cloth, shall be provided. (The use of common towels is prohibited.)

(iii) Waste receptacles shall be provided for used paper towels.

(iv) Soap or other suitable cleansing agent shall be supplied at each wash basin.

(v) All supplies shall be adequate to meet the needs for which they are intended, and shall be so maintained by the employer.

(vi) Employees shall exercise care to see that unnecessary waste of supplies does not occur.

(5) Showers, Locker Rooms, Dressing Rooms and Lockers.

(a) Showers

(i) Showers shall be required when in the judgment of this commission such facilities are necessary at specified locations to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes or vapors or other materials or substances injurious to health. Such shower facilities shall be provided in conjunction with adequate and necessary locker or dressing room facilities.

(ii) Showers shall be provided with a spray fixture connected to an ample supply and pressure of hot and cold water, preferably mixed by a mixing valve.

(iii) Each shower room or compartment shall be constructed of material impervious to moisture.

(iv) Each shower compartment shall be not less than 36 inches in width and 36 inches in depth.

(b) Lockers or Dressing Rooms.

(i) Where required by this commission, and in all places of employment where, because of the nature of the work, it is necessary to change clothing, a locker room shall be provided separated from toilet rooms by solid partitions and doors. Such locker rooms shall have not less than eighty square feet of floor space per ten employees, or fraction, and for each additional employee not less than four additional square feet shall be added thereto. Necessary furniture such as benches and tables shall be provided.

(ii) Such locker or dressing rooms shall be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where practicable cross–ventilation shall be provided.

(c) Lockers.

(i) Where required by this commission, and in all places of employment where the nature of the employment requires a change of clothing, individual metal lockers shall be provided. The dimensions of metal lockers shall be not less than twelve inches wide, eighteen inches deep and seventy–two inches high, exclusive of legs or other base. The lockers shall be equipped with a shelf and with not less than one clothes hook for each side or equivalent hanger bar, and also sufficient openings in the door for purposes of ventilation. Wooden lockers are prohibited.

(d) Dressing Rooms for Women.

(i) Where five or more women are employed a dressing room will be provided for their exclusive use. The minimum floor space of such dressing rooms shall not be less than eighty square feet. Not less than four square feet additional for each person shall be added thereto. The required floor space shall be based on the maximum number of women on any one shift and for whose use such dressing room is provided.

(ii) Dressing rooms shall be conveniently located for the workers whose use they are intended.

(iii) Entrances shall be marked "WOMEN" and be so constructed as to provide for the privacy of such rooms.

(iv) Such dressing rooms shall be adequately lighted, heated and ventilated. At least one cot, couch or bed shall be provided where five or more women are employed. The number of such cots, couches or beds shall be as follows:

Number of Employees	Number of Cots Couches or Beds
5 to 100	1
101 to 250	2

One additional cot, couch or bed shall be provided for each additional 250 women employees. [Order R–5, § 480–66–020, filed 6/6/69, effective 10/9/69.]

WAC 480–66–030 Toilets. (1) General.

(a) Where running water and sewer or septic tank connections are reasonably available, flush–type toilets and urinals shall be maintained.

(b) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(c) No privy, urinal, cesspool, septic tank or other receptacle for human excrement shall be constructed, maintained or used, except those maintained on moving equipment, which directly or indirectly drains or discharges over, into or upon the surface of the grounds, or into the waters of the state, either directly or indirectly, unless the contents of such urinal, subjected to some recognized sterilization treatment approved by the State Department of Health.

(2) Waterclosets.

(a) Every flush toilet shall have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl shall be constructed of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

(b) Every such bowl shall be so installed that the surroundings and floor space can be easily cleaned.

(c) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for running facilities.

(d) Every flush toilet shall have a separate hinged seat made of a material, other than metal, which does not absorb moisture or which shall be finished with varnish or other substances resistant to moisture.

(3) Urinals.

(a) Every urinal shall be made of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

(b) Every urinal shall be located within a toilet room.

(c) Twenty-four inches of trough urinal shall be equivalent to an individual urinal.

(d) Wherever a slab urinal is installed, the floor, for a distance of not less than 24 inches in front of the urinal, shall be sloped toward the urinal drain, and adequate splash guards shall be installed.

(e) Every urinal shall be flushed from a water-supplied tank or through valve, and flush valves shall be installed with an approved back-flow preventer. Every such tank shall furnish an adequate quantity of water for each discharge for every fixture. In place of such discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(f) Clear floor space allowed for each urinal or its equivalent shall be not less than two feet in width, adequate passage shall be allowed for.

(4) Chemical Toilets.

(a) All chemical toilets installed must be of a type approved by the commission. Containers shall be charged with chemical solution of proper strength and their contents shall be agitated daily with proper devices provided for that purpose. When containers are more than 2/3 full the contents shall be disposed of in an approved manner, such as by the burial or into a public sewer system. The stacks connecting the seats with the containers shall be cleaned as often as is necessary to keep them in a clean and sanitary condition.

(5) Incinerator Toilets.

NOTE: An incinerator toilet may be described as containing a receptacle for toilet waste to which intense heat is applied obtained from electrical current, gas or some heat producing agent.

(a) All incinerator toilets used on railroad equipment in the State of Washington must be of a type approved by the commission.

(b) The installation and method of venting must be approved by the commission.

(c) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

(6) Privies.

(a) All privies shall be located so as to avoid contaminating any water of the State.

(b) A suitable approach, such as concrete, gravel or cinder walk shall be provided.

(c) Privies shall be constructed and maintained insect and rodent proof.

(d) Every privy shall be provided with a door and such door shall be self-closing.

(e) The lids over the seats shall be so constructed as to fall into a closed position when the seat is not occupied.

(f) The pit, or vault shall be ventilated to the outside air by means of a stack protected at its outlet and by screens.

(g) Individual seats shall be provided in accordance with the ratio hereinafter set forth.

(7) Toilet Rooms – Specifications For.

(a) Separation.

(i) No toilet room shall have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated from said room by a self-closing door maintained in operating condition.

(ii) Except as otherwise provided in this section, separate toilet facilities shall be provided for each sex, and each toilet room shall be plainly marked by a sign reading "MEN" or "WOMEN", as the case might be. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of the table in WAC 480-66-030(8)(a)(ii).

(iii) There shall be no direct connection between toilet rooms for men and women. Each shall have a separate entrance, and each door leading thereto shall have an automatic closing device maintained in operating condition.

(b) Compartments.

Each water closet in toilet rooms containing more than one water closet, or water closets, together with the one or more urinals, shall be in an individual compartment.

(c) Ventilation.

Every toilet room shall be adequately ventilated.

(d) Lighting.

All toilet facilities shall be clearly lighted at all times during working hours

(e) Heating.

Except privies, every toilet room shall be kept adequately heated.

(f) Screens.

All windows, ventilators, and other openings, shall be screened to prevent the entrance of insects. Toilet rooms shall be kept free of insects and vermin.

(8) Toilets – Number Required.

(a) General.

(i) Adequate toilet facilities shall be provided for all employees, and for each sex. Such facilities shall be conveniently located and accessible, and shall be maintained in a usable and sanitary condition at all times.

(ii) The following table shall be used as a guide in determining the adequacy of toilet facilities.

Number of Employees	Minimum Number of Facilities
1 to 10 persons	1 toilet
11 to 25 persons	2 toilets
26 to 49 persons	3 toilets
50 to 100 persons	5 toilets
100 persons or over	11 toilet for each additional 25 persons

(iii) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets shall not be reduced to less than two-thirds of the number shown in the foregoing table.

(9) Toilets – Supplies.

(a) Toilet Paper. An adequate supply of toilet paper with holder shall be supplied by the employer for each toilet.

(b) Sanitary Napkins. In all toilet rooms used by women the company shall permit the installation of dispensing machines for sanitary napkins.

(10) Toilets – Location Of And Type.

(a) Running Facilities. Flush type, chemical type, or incinerator type toilets shall be provided on the following running facilities:

(i) The leading unit of all locomotives except when used in yard service.

(ii) Baggage and express cars where employees are required to work en route.

(iii) Cabooses.

(b) Stationary Facilities. Appropriate type toilets, according to the specifications herein, shall be provided and made accessible to all employees at the following locations:

(i) All terminals.

(ii) All yard offices.

(iii) All stations or depots.

(iv) All freight, baggage and express offices (located on railroad property).

(v) All engine houses and shops.

(vi) All bunk or section houses and section headquarters.

(vii) Lunchrooms located on railroad property.

(viii) All maintenance of way camps.

(ix) Crossing watchman locations, where practicable, and where such facilities are not otherwise readily and conveniently located.

(x) All office work areas. [Order R-106, § 480-66-030, filed 7/20/77; Order R-23, § 480-66-030, filed 3/22/71; Order R-5, § 480-66-030, filed 6/6/69, effective 10/9/69. *See Reviser's note, chapter digest.]

WAC 480-66-040 Eating places and lunch rooms. (1) Eating places.

(a) Whenever practicable and at all permanent and semi-permanent installations an acceptable place, maintained in clean and sanitary condition, with adequate space for eating meals shall be provided for employees who bring their meals to their place of employment, or eat their meals prepared at the camp facilities.

(b) Eating places shall be so constructed as to permit their being readily cleaned, and they shall be kept clean, in good repair and free of rodents, insects and vermin.

(c) Kitchen cars or other camp facilities shall have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(2) Lunch Rooms.

(a) In lunch rooms where food is served for employees, the food, equipment, and facilities shall be subject to the same inspection and regulation as is required in public eating places, generally consistent with the Rules and Regulations of the State Board of Health pertaining to public food establishments.

(b) Employees and workers handling and serving food in such places shall be subject generally to those rules and regulations of the State Board of Health which are necessary to the sanitary handling of food.

(c) Concessionaire facilities provided by the company in lieu of direct company operation shall comply with the regulations in this Code with respect to adequate space, adequate food handling facilities and cleanliness.

(d) Adequate table and seating facilities shall be provided for the maximum number of employees using the room at any one time.

(3) Lunchrooms And Eating Places – Size, Etc.

(a) General. The minimum area of lunchrooms, or the amount of space to be added to that required for a locker room where a lunchroom is not provided, shall be based upon the maximum number of employees using the room or added space at any one time, generally in accordance with the following table:

Number of Employees	Square Feet Per Employee
10 to 25	8
26 to 74	7
75 to 149	6
150 to 499	5
500 and more	4

(b) Ventilation. Every eating place and lunchroom shall be adequately ventilated. Where practicable cross-ventilation shall be provided.

(c) Lighting. All lunchrooms shall be clearly lighted at all times during hours of use.

(d) Heating. Every lunchroom shall be kept reasonably heated at at all times.

(e) Screens. The windows, ventilators and doors opening to the outside of all lunchrooms shall be properly screened during the season when insects are prevalent.

(f) Waste Disposal. One or more covered receptacles, as may be necessary, shall be furnished in lunchroom and eating places for the disposal of waste food and other waste matter. Such containers shall be emptied regularly and cleaned as often as is necessary. The area where the receptacles are kept shall be maintained free of litter occurring from the possible overflow of such receptacles. [Order R-5, § 480-66-040, filed 6/6/69, effective 10/9/69.]

WAC 480-66-050 Sleeping accommodations. (1) Running Facilities.

(a) Camp cars, other than passenger coaches, furnished for sleeping purposes, shall provide at least 50 square feet of floor space for each person with a ceiling height of not less than 7 feet, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. Where passenger coaches are furnished, the commission may designate the number of men to be housed in each coach.

(i) Walls, floors and ceilings shall be so constructed as to permit them to be readily cleaned.

(ii) Exterior windows and doors shall be weather stripped during the cold weather.

(iii) Screens shall be provided during the season when insects are prevalent for outer doors and windows.

(iv) Heating facilities and adequate fuel shall be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(v) Lighting, by windows and/or acceptable artificial illumination shall be provided.

(vi) Ventilation shall be provided by windows opening directly to the outside air.

(vii) Beds, bunks or cots with proper mattresses shall be provided. Such beds, bunks or cots shall be raised at least 12 inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least 27 inches of clear space above it.

(2) Stationary Facilities.

(a) Dormitories or bunk rooms shall be of such area as to provide at least 50 square feet of floor area for each person, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. The headroom of dormitories or bunk rooms shall be at least 7 feet.

(b) Specifications for the walls, floors, and ceilings, lockers, drinking water, toilet accommodations, washing facilities, ventilation, lighting, heat, weather stripping, screening, beds, bunks or cots, as described in Subsection (1) shall apply to Subsection (2). [Order R-5, § 480-66-050, filed 6/6/69, effective 10/9/69.]

WAC 480-66-060 Cleanliness and maintenance. (1) General Specifications.

(a) The company shall provide for the cleanliness and maintenance of the facilities, fixtures, and appurtenances referred to in these regulations. Said fixtures shall be maintained in proper working order when offered for use.

(b) Frequency of regular and thorough cleansing shall be determined in each case by the amount of traffic; and in all instances the frequency of cleaning shall be adequate to keep said facilities, fixtures, and appurtenances free from vermin and rodents and clean and wholesome at all times.

(c) Toilet rooms and washrooms shall not be used for storage. Posters and/or signs shall be placed in toilet rooms requesting cooperation of employees in keeping the premises clean.

(2) Floors shall be maintained in a clean and so far as practicable dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided wherever practicable.

(3) Screens required by these rules shall be of 16 mesh or equal.

(4) Cuspidors. Where cuspidors are used they shall be of such construction as to be cleanable and shall be kept in a clean condition.

(5) Receptacles for Waste. Suitable receptacles shall be provided and used for the storage of waste and refuse and shall be maintained in a sanitary condition. Receptacles used for moist or liquid waste shall be made of metal or glazed earthenware, or be metal-lined, and shall not leak. They shall be kept covered and shall be washed out as often as necessary to keep them clean.

(6) Removal of Sweepings, Waste and Refuse. All sweepings, waste and refuse shall be removed in such a manner as to avoid raising dust and as often as necessary to keep all rooms used by employees clean.

(7) Yard Servicing Areas. Toilet waste shall not be discharged onto the ground surface from railroad cars within servicing area of yards. Such areas shall be kept free of refuse, litter, debris, vermin and rodents.

(8) Yard Repair Areas. Where work is performed in repair yards or on repair tracks in the open or in open sheds of pits, adequate drainage shall be provided. This waste shall not drain into any water of the State, nor contaminate the ground surface, but must be disposed of in a manner approved by the State Department of Health.

(9) Running Facilities.

(a) Locomotives and Yard Diesels. During use, the cabs on locomotives shall be heated to a minimum of 50 degrees Fahrenheit.

(i) When necessary to comply with Subdivisions (1)(a) and (1)(b) herein, all locomotives shall have their floors and toilets cleaned, and their windows washed when offered for use at terminals having servicing facilities.

(ii) When required by the season of the year, doors and windows of all locomotives shall be equipped with adequate protection to occupants from the elements by means of weatherstripping, or other device sufficient to provide equally adequate protection.

(b) Cabooses.

(i) Cabooses shall be maintained in a clean and sanitary condition.

(ii) When required by the season of the year, doors, and windows of cabooses shall be equipped with adequate weatherstripping.

(iii) When necessary to comply with Subdivisions (1)(a) and (1)(b) herein, cabooses shall have their toilets cleaned, and their windows washed when offered for use at terminals having servicing facilities.

(iv) Every caboose used in any train in this State, regardless of service, shall be provided with a stove or other adequate means of heating. A sufficient supply of fuel for the trip or shift shall be provided.

(10) Stationary Facilities.

(a) Bed Linen. Where bed lined is furnished by the railroad it shall be changed and fresh clean linen supplied at least once a week and/or for each new occupant.

(b) Crossing Watchman Facilities. Adequate shelter shall be furnished and maintained for crossing watchman. Such shelter shall be adequately heated, sealed and insulated against cold and inclement weather.

(c) Office Work Areas.

(i) Office work areas shall be maintained in clean and wholesome condition when offered for use.

(ii) Office work areas shall be clearly lighted at all times during hours of use.

(iii) Office work areas shall be heated at all times during hours of use at not less than 65 degrees Fahrenheit.

(iv) Office work areas shall be provided with cross–ventilation when possible.

(v) Windows, ventilators and doors opening to the outside of office work areas shall be properly screened during the seasons when insects are prevalent. [Order R–5, § 480–66–060, filed 6/6/69, effective 10/9/69.]

WAC 480–66–070 General. (1) In all proceedings arising out of the construction and/or application of these rules and regulations, the Rules of Practice and Procedure Before the Washington Utilities and Transportation commission, made effective July 1, 1966, by General Order No. 11, shall apply.

(2) Any interested and affected party deeming available sanitary or shelter facilities inadequate or unsatisfactory within the purview of these rules may complain to and petition this commission for an order directing the responsible party or parties to correct such condition or conditions. Upon investigating such complaint and petition, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected. Where hearing on such petition and complaint is ordered held by this commission, due and proper notice will be given to all interested parties, and the complaining and petitioning party will have the burden of establishing the facts of which it complains.

(3) [Subsection (3) of this section was repealed by Order R–23, filed 3/22/71.]

(4) The commission reserves the right to alter, modify or rescind any of these rules and to adopt such additional rules as may be necessary.

(5) Application for the waiver of or modification of any of the rules and regulations of the commission herein shall contain a reference to each rule on which modification or waiver is requested, and shall fully and clearly set forth the special grounds upon which such a request is based. Any waiver granted must be by order of the commission.

(6) Each company subject to these amended sanitation and shelter rules and regulations, shall, within 60 days from the effective date of these amended rules, submit to the commission, in writing, the following:

(a) A description of the current company servicing program for cleaning, maintaining and replenishing drinking water facilities as prescribed by WAC 480–66–020(3)(a).

(b) A list of the names of the terminals and/or locations at which said current servicing program for drinking water facilities is accomplished, said list to indicate which terminals and locations have, and which do not have servicing program facilities.

(c) A description of the means the company uses, or proposes to use to accomplish said servicing program at terminals or locations not having servicing program facilities.

(d) Where a company drinking water servicing program is nonexistent, or not as complete as contemplated, a description of the program the company proposes to institute.

(e) A description of the current company program for implementing WAC 480–66–030(10)(a), said description to include a list indicating the number of caboose units not in compliance with said WAC 480–66–030(10)(a), said compliance to be accomplished within five years of the effective date of this rule pursuant to agreement of the parties.

(f) A description of the current company servicing program for cleaning and maintaining toilets on locomotive, baggage and express cars, and caboose units that have not been conformed to the requirements of WAC 480–66–030(10)(a).

(g) A description of the company timetable for bringing into conformity the caboose units required to conform to WAC 480–66–030(10)(a)(3).

(h) A description of the current company servicing program to accomplish compliance with WAC 480–66–060(9).

(i) A list of the names of the terminals and/or locations at which said current servicing program for locomotives, yard diesels, and cabooses is accomplished.

(j) Where a company servicing program to comply with WAC 480–66–060(9) is nonexistent, or not as complete as contemplated, a description of the program the company proposes to institute.

(k) By means of a current report, to be filed not less frequently than quarterly, each company shall apprise the commission of the then salient effective and ineffective features of the company servicing program employed to comply with WAC 480–66–020(3)(a), WAC 480–66–030(10)(a), and WAC 480–66–060(9). [Order R–23, § 480–66–070, filed 3/22/71; *Order R–5, § 480–66–070, filed 6/6/69, effective 10/9/69.]

Reviser's note: See Reviser's note, chapter digest.

Chapter 480–69 WAC
RAILROAD COMPANIES——TRACK SCALES

WAC

480–69–010 Track scales——Approval and seal.
480–69–020 Track scales——Testing.
480–69–030 Track scales——Tolerances.
480–69–040 Track scales——Approved.
480–69–050 Track scales——Condemned.
480–69–060 Track scales——New installations——Specifications.
480–69–070 Track scales——New installations——Testing.
480–69–080 Track scales——Test cars.
480–69–090 Track scales——Repairs.
480–69–100 Track scales——Approach rails.
480–69–110 Track scales——Scale pits.

WAC 480-69-010 Track scales——Approval and seal. All track scales used for obtaining weights that are accepted and used for freight charges by all railroads within the state are under the jurisdiction of the Washington Utilities and Transportation Commission and shall be approved and sealed by the Commission at all times. [Order R-5, § 480-69-010, filed 6/6/69, effective 10/9/69.]

WAC 480-69-020 Track scales——Testing. The Commission shall inspect and test all such scales from time to time for accuracy. The frequency of such tests shall be at the discretion of the Commission and depending on the amount of weighing performed and the character and amount of maintenance attention given scales. When practicable tests will be made every six months and at least once a year. [Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.]

WAC 480-69-030 Track scales——Tolerances. The tolerances for track scales shall be the same as those adopted by the National Bureau of Standards and the Association of American Railroads, including such amendments as may be adopted from time to time, provided the error in weights shall not exceed two-tenths of one per cent of the test load at any position on the scale. [Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.]

WAC 480-69-040 Track scales——Approved. A scale testing within these tolerances shall be an approved scale and the Commission Seal or Notice of Approval shall be attached. [Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.]

WAC 480-69-050 Track scales——Condemned. Scales NOT testing within the allowable tolerance and not corrected at time of test will be condemned for further use and weights obtained therefrom must not be used in assessing freight charges until scale has been corrected by owner and approved by the Commission. [Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.]

WAC 480-69-060 Track scales——New installations——Specifications. When a new track scale is installed or an old one relocated, the installation must conform to the Railroad Track Scale Specifications as issued by the National Bureau of Standards or the American Association of Railroads, unless otherwise provided by the Washington Utilities and Transportation Commission. [Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.]

WAC 480-69-070 Track scales——New installations——Testing. When a new scale is to be installed or an old one reconditioned, the owner must notify the Commission as far in advance as possible as to the approximate time of its completion so arrangements can be made by the Commission to test and seal before being used. If it is inconvenient for the Commission to test when scale is ready for service, owner may put same in service after testing and adjusting with his own test car provided test car has been calibrated on a master scale. [Order R-5, § 480-69-070, filed 6/6/69, effective 10/9/69.]

WAC 480-69-080 Track scales——Test cars. Railroad owned test cars that are regularly calibrated on a master scale and do not have a wheel base of more than 7 feet will be approved and may be used by the Commission for testing and sealing when it will reduce hauling and switching movements. The State of Oregon master scale at Guilds Lake Yard, Portland, Oregon, will be available for calibrating all test cars. [Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.]

WAC 480-69-090 Track scales——Repairs. The Commission's Inspector will make no repairs or adjustments to any scale. Owners will be notified previous to testing so their inspector or representative can be present when tests are made. [Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.]

WAC 480-69-100 Track scales——Approach rails. Approach rails must be kept level with scale weight rails so the test car can be readily moved off and on the scale by the inspector without the use of motive power. [Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.]

WAC 480-69-110 Track scales——Scale pits. The scale pit must be kept dry and the accessibility to same such that complete inspection can be made at all times. [Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.]

Chapter 480-70 WAC
GARBAGE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-010 Communications.
480-70-020 Documents—When filed.
480-70-030 Remittances.
480-70-040 Change of address.
480-70-050 Definitions.
480-70-060 Licenses.
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480-70-230 Dual operation.
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480-70-350 Accounts—Uniform system adopted—Reports.
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480-70-370 Disabled motor vehicles—Substitution.
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480-70-405 Accident reporting.
480-70-410 General application of rules.
480-70-420 Penalty assessments.
480-70-430 Rules, waiver.
480-70-440 Garbage and refuse collection companies statute applicable.
480-70-990 Appendix A—Form—Garbage and/or refuse collection companies.

WAC 480-70-010 Communications. (1) 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, Highways-Licenses Building, Olympia, Washington 98504. 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) Every certificate holder, in addressing communications to the commission, must use the name shown upon his certificate and indicate certificate number. [Order R-43, § 480-70-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-010, filed 6/6/69, effective 10/9/69.]

WAC 480-70-020 Documents--When filed. Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common or contract carriers, certificates of public convenience and necessity, or extensions thereof, or any other matter required to be served upon or filed with the Washington Utilities and Transportation Commission, shall be served upon or filed upon said commission at its offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application or other matter required to be served upon or filed with the Washington Utilities and Transportation Commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for common or contract carrier certificates of public convenience and necessity, or for extensions thereof may be transmitted to the district offices for forwarding to the office of the commission at Olympia, but are not considered as served or filed until they are received at said Olympia offices. [Order R-43, § 480-70-020, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-020, filed 6/6/69, effective 10/9/69.]

WAC 480-70-030 Remittances. (1) Remittances to the commission may be by money order, bank draft or certified check payable to the Washington Utilities and Transportation Commission. Personal checks, if drawn on a bank in the state of Washington, will be accepted subject to collection.

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

(3) Do no remit postage stamps, except when so directed. [Order R-5, § 480-70-030, filed 6/6/69, effective 10/9/69.]

WAC 480-70-040 Change of address. A change in the address of the principal place of business of any carrier must immediately be reported to the commission. [Order R-5, § 480-70-040, filed 6/6/69, effective 10/9/69.]

WAC 480-70-050 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of these rules, be given the meanings hereinafter subjoined to them:

(1) "State" means the state of Washington.

(2) "Commission" means the Washington Utilities and Transportation Commission.

(3) "Certificate" means the certificate of public convenience and necessity authorized to be issued for the operation of garbage and/or refuse collection companies under the provisions of chapter 295, Laws of 1961, as amended [chapter 81.77 RCW].

(4) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," "vehicle," "garbage and refuse collection companies," shall have the meaning when used herein given to them by section 2, chapter 295, Laws of 1961 [RCW 81.77-.010], and by chapter 105, Laws of 1965 ex. sess. [RCW 81.77.030, 81.77.110, 81.08.010, 81.12.010 and 81.77.015.]

(5) "Garbage" includes but shall not be limited to offal or animal and vegetable wastes which may be mixed with refuse. Garbage includes scrap, waste materials, dead animals, discarded articles, garbage disposal, and swill. The term does not include sewage disposal or cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.

(6) "Refuse" includes all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste materials; also it includes scrap, waste materials, rubbish, noncommercial lamp black, waste acid, sludge, broken building and fire bricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. The term does include earth or dirt mixed with refuse but not commercially salable earth which is used as fill, road ballast, aggregate, etc. NOTE: The incidental hauling of pure refuse as herein defined may be a part of a regular garbage collection and disposal service.

(7) The phrase "the business of transporting garbage and/or refuse for collection and/or disposal for compensation" used in RCW 81.77.010 applies only to those carriers who are primarily in the specialized business of transporting garbage and refuse for collection and/or disposal for all potential customers within a specified area. NOTE: Chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, was not intended to cover operations of carriers whose business is other than the primary business of transporting garbage and/or refuse for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of garbage and/or refuse, need not secure a certificate under the provisions of chapter 295, Laws of 1961 [chapter 81.77 RCW]. In some instances, carriers may be engaged extensively in both motor freight carrier and in garbage and/or refuse hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate. [Order R-5, § 480-70-050, filed 6/6/69, effective 10/9/69.]

WAC 480-70-060 Licenses. No motor vehicle shall be operated upon the public highways of this state by any garbage and refuse collection company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways. [Order R-5, § 480-70-060, filed 6/6/69, effective 10/9/69.]

WAC 480-70-070 Certificates, no operation without. No garbage and/or refuse collection company shall operate, establish or begin operation of a line or route or serve any territory, or any extension, for the purpose of transporting garbage and/or refuse 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 or in such territory. [Order R-5, § 480-70-070, filed 6/6/69, effective 10/9/69.]

WAC 480-70-080 Operation under trade name. 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. [Order R-5, § 480-70-080, filed 6/6/69, effective 10/9/69.]

WAC 480-70-090 Certificates, must be filed main office. 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. [Order R-5, § 480-70-090, filed 6/6/69, effective 10/9/69.]

WAC 480-70-100 Certificates, secured by false affidavit. Any certificate to operate in the transportation of garbage and/or refuse for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission. [Order R-5, § 480-70-100, filed 6/6/69, effective 10/9/69.]

WAC 480-70-110 Certificate, sale, etc. No certificate, nor any right thereunder, shall be sold, assigned, leased or transferred, or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, or transfer, or mortgage must be made in accordance with WAC 480-70-180, 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. [Order R-5, § 480-70-110, filed 6/6/69, effective 10/9/69.]

WAC 480-70-120 Certificates, application for. Applications for certificates, extension of service, line, route, or territory under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary public and accompanied by the applicable fee. Such applications must specifically and fully describe the line, route, or territory by reference to specific known and ascertainable streets, avenue, roads, or highways or boundaries, or by metes and bounds. In addition, such applications must have attached thereto a map specifically delineating the line, route, or territory for which application to serve is made. Where such line, route, or territory is not specifically described as required in this rule, the commission may defer consideration of the application until this rule is complied with, or, in its discretion, may reject the application. [Order R-90, § 480-70-120, filed 1/19/77; Order R-5, § 480-70-120, filed 6/6/69, effective 10/9/69.]

WAC 480-70-130 Temporary certificates, application for. Temporary certificates to engage in the business of operating a garbage and/or refuse collection company may be issued if such issuance is consistent with the public interest.

(1) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(a) A showing of an immediate and urgent need for the requested service;

(b) The presence or lack of available service capable of meeting the need; and

(c) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(2) When an applicant requests a temporary certificate to operate in territory that another carrier is authorized to serve, the commission shall notify the existing

garbage and/or refuse collection company or companies authorized to serve the territory of the application and problem and shall issue the temporary certificate only if the existing garbage and/or refuse collection company or companies cannot or will not provide service to the satisfaction of the commission. Temporary certificates issued pursuant to this subsection will carry the following condition:

> "This certificate is subject to cancellation any time within 20 days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority can and will provide service to the satisfaction of the commission."

(3) Temporary certificates may be issued for a period up to 180 days where the area or territory covered thereby is not contained in the certificate of any other garbage and/or refuse collection company; in all other cases temporary certificates may be issued for a period not to exceed 120 days. Applications for temporary certificates shall conform to the requirements of WAC 480-70-120. [Order R-26, § 480-70-130, filed 5/14/71; Order R-5, § 480-70-130, filed 6/6/69, effective 10/9/69.]

WAC 480-70-140 Certificates, description, hearing for clarification. Where the line, route, or service area is delineated as, or bounded by, a street, avenue, road, or highway or other description, that description or boundary shall be established in the certificate of public convenience and necessity as it existed at the time authority was granted. [Order R-5, § 480-70-140, filed 6/6/69, effective 10/9/69.]

WAC 480-70-150 Certificates, applications—— Notice to existing carriers. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder.

(2) The commission shall notify by means of its weekly application docket all known existing garbage and/or refuse collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. [Order R-19, § 480-70-150, filed 5/12/70; Order R-5, § 480-70-150, filed 6/6/69, effective 10/9/69.]

WAC 480-70-160 Certificates, qualifications for. Applicant for a certificate of public convenience and necessity must show that is is fit, willing and able to provide the proposed service and, in addition, the granting thereof shall be determined by the provisions of section 5, chapter 295, Laws of 1961 [RCW 81.77.030], as amended. [Order R-5, § 480-70-160, filed 6/6/69, effective 10/9/69.]

WAC 480-70-170 Certificate, must abide by. No change of service as to route, line, or territory may be made which is an extension of certificate authority without approval of and a revision of the certificate by the commission. Every carrier must adhere strictly to his authorized line, route, or territory. Deviation will be a violation of rules and law and subject to penalty as provided in WAC 480-70-430. [Order R-5, § 480-70-170, filed 6/6/69, effective 10/9/69.]

WAC 480-70-180 Certificate, sale, etc. 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 public and accompanied by the applicable fee. [Order R-90, § 480-70-180, filed 1/19/77; Order R-5, § 480-70-180, filed 6/6/69, effective 10/9/69.]

WAC 480-70-190 Miscellaneous fees.

Application for certificate of public convenience and necessity	$150.00
Application for extension of service, line, route or territory, under a certificate	150.00
Application for a temporary certificate	35.00
Application for sale, transfer or lease of a certificate or any interest therein.....	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of duplicate certificate	3.00

[Order R-50, § 480-70-190, filed 8/8/73; Order R-5, § 480-70-190, filed 6/6/69, effective 10/9/69.]

WAC 480-70-200 Certificates, duplicates. All applications for the issuance of a duplicate certificate 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. [Order R-5, § 480-70-200, filed 6/6/69, effective 10/9/69.]

WAC 480-70-210 Certificates, reinstatement. Whenever an order is entered by the commission revoking a previous order granting a certificate of public convenience and necessity, 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. [Order R-5, § 480-70-210, filed 6/6/69, effective 10/9/69.]

WAC 480-70-220 Application fees forfeited-denied application, no renewal for six months. (1) Any application for a certificate, or application for extension or change of service upon which a hearing has been ordered by the commission, shall be dismissed without further notice for failure of the applicant to appear at the hearing.

(2) Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund.

(3) No person whose application for a certificate has been denied, after hearing, under any of the provisions of this chapter, shall be eligible to renew the application for a period of six months from the date of the order denying such application. [Order R-5, § 480-70-220, filed 6/6/69, effective 10/9/69.]

WAC 480-70-230 Dual operation. (1) Garbage and/or refuse collection companies which, after securing a certificate of public convenience and necessity under the provisions of chapter 295, Laws of 1961 [chapter 81.77 RCW], will also be operating under a common carrier or contract carrier permit issued pursuant to the provisions of chapter 81.80 RCW, who will use the same motor vehicle equipment in dual operations requiring both a certificate under chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, and a permit under the provisions of chapter 81.80 RCW, must properly identify equipment and pay applicable fees under the provisions of both statutes. There must be filed with the commission certificates of liability and property damage insurance, by which the insurance company agrees to provide the necessary insurance coverage for operation of the vehicle under both chapter 295, Laws of 1961 [chapter 81.77 RCW], and chapter 81.80 RCW.

(2) In cases of dual operation also requiring common and/or contract motor carrier permits issued under chapter 81.80 RCW the operator shall file separate reports commencing with the calendar year 1972. Such motor carrier reports shall, at the minimum, contain the segregated revenues applicable to the operations under the motor carrier permit and shall contain a listing of the revenue equipment fully and partially dedicated to such operations and such expenses and net investment as are capable of direct assignment. However, companies filing separate reports under common or contract motor carrier permits and reporting over $100,000 in annual gross operating revenues from such common or contract motor carrier operations must report on a fully separated basis, operating revenues, operating expenses and operating property together with related reserves for depreciation in order that net operating income as well as net investment under common or contract motor carrier permits can be determined. To the extent that these elements are not wholly directly assignable such reports must reflect separations based on reasonable allocations and apportionments. [Order R-31, § 480-70-230, filed 10/18/71; Order R-5, § 480-70-230, filed 6/6/69, effective 10/9/69.]

WAC 480-70-240 Tariff, naming rates and charges. (1) Every garbage and/or refuse collection company shall file with the commission and post at carrier's main office or carry on trucks, its tariff showing all rates and charges, including container rentals or other accessorial charges, for the transportation and disposal of garbage and refuse between all points on its line, route, or territory. Tariffs must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof. Tariffs must be in the form set forth in Appendix A herein except that the commission may authorize deviation therefrom for good cause shown. Rates and charges shall cover a complete service, including disposal, unless a charge for disposal is specifically provided by the tariff. Two copies of all such tariffs shall be transmitted to the commission with a letter of transmittal in duplicate so that the commission may stamp receiving date on copy of said letter and return it to the carrier filing the tariff.

(2) When two or more garbage and/or refuse collection companies, under common control or management, operate in the same territory, rates and charges applicable to the transportation and disposal of garbage and refuse in the common territory must be published in a single tariff to which all such companies must be parties and must be equal for identical service. [Order R-73, § 480-70-240, filed 6/25/75; Order R-31, § 480-70-240, filed 10/18/71; Order R-5, § 480-70-240, filed 6/6/69, effective 10/9/69.]

WAC 480-70-245 Agreements to operate certificates. (1) When a certificated carrier possesses exclusive authority in an area and due to lack of ownership of suitable equipment is unable to adequately serve his customers such certificated carrier may enter into an agreement with another certificated carrier not possessing authority in the area, but possessing the required equipment necessary to provide the service. The agreement must be filed with and approved by the commission before such service is rendered under the agreement.

(2) Customer billing will be rendered by the certificated carrier possessing the proper authority in the area at the rates and charges contained in that carrier's tariff on file with the commission. The terms of reimbursement for the service rendered by the performing carrier must be stated in and be a part of the agreement entered into between the carriers. [Order R-31, § 480-70-245, filed 10/18/71.]

WAC 480-70-250 Insurance. Within ten days after the date an applicant is notified his application has been granted, and before a certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, or a surety bond written by a company of a company licensed to write surety bonds in the state of Washington, on each motor-propelled vehicle used or to be used in transporting garbage or refuse under the certificate granted, in the amount of not less

than twenty–five thousand dollars for recovery for personal injury by one person, and not less than one hundred thousand dollars for recovery for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the insured.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for cancellation of a certificate. [Order R–5, § 480–70–250, filed 6/6/69, effective 10/9/69.]

WAC 480–70–260 Insurance endorsement. All liability and property damage insurance policies issued to garbage and refuse collection companies shall carry a uniform motor carrier bodily injury and property damage liability endorsement. [Order R–5, § 480–70–260, filed 6/6/69, effective 10/9/69.]

WAC 480–70–270 Insurance termination. All insurance policies issued under the requirements of chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington Utilities and Transportation Commission by the insurance company, and said thirty days' notice to commence to run from the date notice is actually received by the commission.

Notice of cancellation or expiration shall be submitted duplicate on forms prescribed by the commission and shall not be submitted prior to sixty days before the desired termination date. [Order R–5, § 480–70–270, filed 6/6/69, effective 10/9/69.]

WAC 480–70–280 Surety bond. Should a garbage and/or refuse collection company elect to file a surety bond in lieu of liability and property damage insurance such bond shall be in the following form:

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____of the city of _____, state of Washington, as principal, and _____ a corporation organized and existing under and by virtue of the laws of _____, and authorized to transact business in the state of Washington under the laws thereof, as surety, are held and firmly bound unto the state of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors, and assigns, severally by these presents.

This bond is written in pursuance of and is to be construed in accordance with chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the state for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the common or contract carrier (principal herein) under and by virtue of its or his permit and/or certificate issued by the Washington Utilities and Transportation Commission.

SCHEDULE

On each motor vehicle used for the transportation of property and/or garbage and refuse:

$ 25,000	for any recovery for personal injury by one person, and
$100,000	for all persons receiving personal injury by reason of one act of negligence, and
$ 10,000	for damage to property of any person other than the principal

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the principal by reason of any act of negligence on the part of said principal, its or his agents or employees in the operation of motor propelled vehicles in transporting property and/or garbage and refuse for compensation under its or his certificate issued by the Washington Utilities and Transportation Commission then this obligation is to be void, otherwise to remain in full force and effect.

Provided: That if the total liability herein for any reason be decreased by payment made by the surety or otherwise, written notice of such decrease will be given forthwith to the Washington Utilities and Transportation Commission by the surety.

This bond may be canceled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective within thirty days after the receipt of such notice by the Washington Utilities and Transportation Commission.

Signed, sealed and dated this _____ day of _____, 19__.

_____
Principal

_____

_____
Surety

[Order R–5, § 480–70–280, filed 6/6/69, effective 10/9/69.]

WAC 480–70–290 Equipment of motor vehicles. Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission. [Order R–5, § 480–70–290, filed 6/6/69, effective 10/9/69.]

WAC 480–70–300 Motor vehicles, identification. For the purpose of identification and information of the

public, all motor vehicles, including substitute or emergency vehicles, while being operated under the certificate of public convenience and necessity, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, the name of the certificate holder, and his address. [Order R-5, § 480-70-300, filed 6/6/69, effective 10/9/69.]

WAC 480-70-310 Motor vehicles, safety, sanitary, inspection. All motor vehicles shall be maintained in a safe and sanitary condition and shall shall be at all times subject to inspection by the commission's duly authorized representatives. [Order R-5, § 480-70-310, filed 6/6/69, effective 10/9/69.]

WAC 480-70-320 Motor vehicles, safe operation. All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person. [Order R-5, § 480-70-320, filed 6/6/69, effective 10/9/69.]

WAC 480-70-330 Drivers, hours of work. (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, 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 garbage and/or refuse collection companies operating under chapter 81.77 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." [Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-330, filed 8/7/80; Order R-5, § 480-70-330, filed 6/6/69, effective 10/9/69.]

WAC 480-70-340 Annual fee. (1) Every garbage and/or refuse collection company shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof.

(2) Every statement of gross operating revenue so filed shall be accompanied by a fee based upon such gross operating revenue and at a rate to be fixed each year by notice or order of the commission. Such fee shall in no case be less than one dollar. [Order R-57, § 480-70-340, filed 11/7/73; Order R-5, § 480-70-340, filed 6/6/69, effective 10/9/69.]

WAC 480-70-350 Accounts--Uniform system adopted--Reports. (1) Effective January 1, 1962, a "Uniform System of Accounts" is hereby prescribed for use of garbage and/or refuse collection companies in the state of Washington operating under chapter 295, Laws of 1961 [chapter 81.77 RCW].

(2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:

Class A - Those carriers having an annual yearly gross revenue of $100,000 or over per year.

Class B - Those carriers having an annual yearly gross revenue of less than $100,000 per year.

As set forth in the classification of accounts, any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

(3) Each garbage and/or refuse collection company must secure from the commission a copy of the "Uniform System of Accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, garbage and/or refuse collection companies shall secure from the commission the proper forms and make and file annual reports as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the garbage and/or refuse collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the garbage and/or refuse collection company operated and shall show on the face thereof the exact period covered thereby.

(6) Each garbage and/or refuse collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route

order, for a period of three years subject to inspection by the commission so that the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same. [Order R-31, § 480-70-350, filed 10/18/71; Order R-5, § 480-70-350, filed 6/6/69, effective 10/9/69.]

WAC 480-70-360 Contracts. (1) Contracts between contract carriers and their shippers shall be terminable within the period for which they are written only in the manner provided in the contract and upon not less than five days' notice to the commission and each contracting party, and every such contract shall so provide.

(2) No contract carrier shall operate under any individual contract or agreement for the transportation of garbage and/or refuse by motor vehicle, for compensation, with any shipper or shippers without having first filed with the Washington Utilities and Transportation Commission, and having been approved by the commission, an original or duplicate original contract covering such agreement. Every such agreement shall be mutually binding upon both shipper and carrier, entered into and performed in good faith, for an agreed compensation, for an agreed term, covering a series of shipments during a stated period of time, in contrast to contracts of carriage covering individual shipments, and which contract mutually binds the carrier to transport, and the shipper to supply, a specific category and substantial amount of garbage and/or refuse during the term of the contract, and which contract shall conform to the following requirements:

(a) The time or term of performance by both parties must be stated.

(b) The route and/or area involved in the performance of the contract must be stated.

(c) The kind and minimum quantity of the commodity or commodities to be transported must be stated definitely. This minimum quantity shall be a substantial amount of all tonnage of the class of commodities which is the subject of the contract, shipped by the shipper by truck during the term of the contract over the route or in the area covered by the contract. A "substantial" amount of tonnage shall be an amount sufficient to make possible the operation of the carrier's own equipment at a profit.

(3) Where a contract carrier enters into more than four special and individual contracts with shippers, the commission may enter into a hearing for the purpose of determining whether such carrier's operations are those of a bona fide contract carrier.

(4) Every contract filed shall also contain the provisions that it is made subject to the power and authority of the commission to fix, alter and amend just, fair, and reasonable classifications, rules and regulations, and minimum rates and charges of contract carriers in intrastate service. [Order R-5, § 480-70-360, filed 6/6/69, effective 10/9/69.]

WAC 480-70-370 Disabled motor vehicles--Substitution. In the event a motor vehicle operated under a certificate becomes disabled while en route, temporary substitution therefor of a vehicle, whether operated under a certificate or not, may be made for the purpose of completing the trip. Such substitute equipment shall not be used other than in the completion of such trip, and such substitution shall be immediately reported to the commission. [Order R-5, § 480-70-370, filed 6/6/69, effective 10/9/69.]

WAC 480-70-380 Equipment--Order for repairs. Inspectors, field agents, and patrolmen shall order to a repair shop any piece of equipment in need of repairs, and the vehicles shall not be used in further service until necessary corrections have been made and an inspection by a state inspection station or officer. [Order R-5, § 480-70-380, filed 6/6/69, effective 10/9/69.]

WAC 480-70-390 Discontinuance of service, commission approval required. No garbage and/or refuse collection company shall discontinue the service called for under its certificate and tariff schedule filed thereunder without first having given to the commission and to the public at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do. [Order R-5, § 480-70-390, filed 6/6/69, effective 10/9/69.]

WAC 480-70-400 Equipment--Safety. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

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

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) 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, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; 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 garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) 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 garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW 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.

(d) 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 garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

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

(ii) 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.

(iii) 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.

(e) 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 (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission." [Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-400, filed 8/7/80; Order R-5, § 480-70-400, filed 6/6/69, effective 10/9/69.]

WAC 480-70-405 Accident reporting. (1) Accidents occurring in this state arising from or in connection with the operations of any garbage and/or refuse company operating under chapter 81.77 RCW, 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 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-405, filed 8/7/80.]

WAC 480-70-410 General application of rules. The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases. [Order R-5, § 480-70-410, filed 6/6/69, effective 10/9/69.]

WAC 480-70-420 Penalty assessments. In addition to all other penalties provided by law, every garbage and/or refuse collection company and every officer, agent, or employee of every such company who violates or procures, aids, or abets in the violation of any law, rule, regulation, or commission decision applicable to such company shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation. [Order R-5, § 480-70-420, filed 6/6/69, effective 10/9/69.]

WAC 480-70-430 Rules, waiver. Application for the waiver or modification of any of the rules and regulations of the commission shall be made in accordance with the following instructions. (1) Application should be directed to the Washington Utilities and Transportation Commission, Olympia, Washington, and should be typewritten on one side only, on paper -1/2 x 11 inches in size. (2) Reference must be made in a separate paragraph to each rule for which modification or waiver is requested, and a full explanation given as to the reasons why such waiver or modification is desired. [Order R-5, § 480-70-430, filed 6/6/69, effective 10/9/69.]

WAC 480-70-440 Garbage and refuse collection companies statute applicable. Garbage and refuse collection companies are subject to the following statutes:

RCW 81.04.130 *Suspension of tariff changes

RCW 81.04.405	Penalties for violations by public service companies
RCW 81.28.010	Duties of carriers as to rates and charges
RCW 81.28.040	*Tariff schedules to be filed
RCW 81.28.050	*Tariff changes, statutory notice
RCW 81.28.080	Published rates to be charged
RCW 81.28.180	Rate discrimination prohibited
RCW 81.28.190	Unreasonable preferences prohibited
RCW 81.28.210	Rebating prohibited
RCW 81.28.230	Upon complaint or own motion commission shall fix reasonable rates.

*Also contained in rules of tariff circular 6.

[Order R-5, § 480-70-440, filed 6/6/69, effective 10/9/69.]

WAC 480-70-990 Appendix A--Form--Garbage and/or refuse collection companies.

Appendix A TO CHAPTER 480-70 WAC
RELATING TO GARBAGE
AND/OR REFUSE COLLECTION COMPANIES
(Pages 1 through 14)

---------- Title Page

TARIFF NO. ----------
Cancels
TARIFF NO. ----------

of

(Name of Collection Company)

CERTIFICATE NO. ----------

NAMING RATES FOR THE TRANSPORTATION
AND DISPOSAL OF
GARBAGE, REFUSE AND TRADE WASTE

IN THE FOLLOWING DESCRIBED TERRITORY:

Issued ---------- Effective ----------
(Date) (Date)

Issued by:

(Name)

(Address)

(City)

Company Name:

Tariff No. ----- ---------- Page 2

CHECK SHEET

All of the pages contained in this tariff are listed consecutively by number. The pages of the tariff and/or any supplements to the tariff listed on this page have issued dates which are the same as, or are prior to, the issued date of this page. "0" in the revision column indicates an original page.

Page	Revision	Page	Revision
Title	0	8	0
1	0	9	0
2	0	10	0
3	0	11	0
4	0	12	0
5	0	13	0
6	0	14	0
7	0		

ISSUED: EFFECTIVE:

Issued by:

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(2)

Company Name:

Tariff No. _____ ---------- Page 3

Item No.

—— APPLICATION OF RATES - GENERAL

10 Unless otherwise provided, the rates named in this tariff cover the pickup and disposal of garbage and/or refuse, placed on the level of streets or alleys. There shall be no additional charge to customers because of fees which the collector may be obligated to pay for use of dump sites, whether such sites be publicly or privately owned, unless otherwise specifically provided. Where such dump fees are specifically provided they will be stated in the tariff and must be separately shown on the bills collector submits to customers.

DEFINITIONS OF TERMS

The following terms when used herein shall have only the meanings designated below:

(a) The term "Unit" shall mean one can made of durable, corrosion-resistant, nonabsorbent material, watertight with close fitting cover and two handles, and shall not exceed 32 gallons, 4 cubic feet or 65 lbs. (including contents), nor weigh more than 12 lbs. when empty. A can which exceeds these size and weight limits will be charged $_____ per dump.

Occasional extra waste material (boxes, cartons, bags, etc.) which can be readily loaded by hand and when placed on or beside the garbage can, will be taken and charged for as additional units subject to the above size and weight limits.

20

Where agreeable between collector and customer, a box, carton, cardboard barrel or other suitable container may be substituted for a garbage can, subject to the above size and weight limits.

(b) The term "Bulky Material" shall mean empty carriers, cartons, boxes, crates, etc., brush, trees, grass or shrub clippings, or materials offered for disposal, all of which may be readily handled without shoveling.

(c) The term "Loose Material" shall mean material requiring shoveling.

(d) The term "Drum" shall mean a metal container of approximately 50 gallons capacity generally of a type used for oils and solvents.

ISSUED: EFFECTIVE:

Issued by:

(3)

Company Name:

Tariff No. _____ ---------- Page 4

Item No. DEFINITIONS OF TERMS (Continued)

(e) The term "Bale" shall mean material compressed by machine and securely strapped or banded.

(f) The term "Litter Receptacle" shall mean a container not over 60 gallons capacity of a type generally placed in shopping centers and along streets or highways for litter.

(g) The term "Container" shall mean a detachable container which is left at customer's premises and emptied into the collector's truck and is lifted by mechanical means.

20 (Cont)

(h) The term "Drop Box" shall mean a container which is placed on collector's truck by mechanical means, hauled to dump site and returned to customer's premises.

(i) The term "Compacted Material" shall mean any material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

(j) "Temporary & Permanent": In connection with containers and drop boxes, the temporary rates will apply only when service is required for a period of three months or less. If "temporary" service is continued for more than three months, the customer, commencing with the fourth month, will be considered a "permanent" customer and will be charged the permanent rates.

(k) The term "Special Pickup" shall mean a pickup requested by the customer at a time other than the regularly scheduled pickup time which does not involve the dispatch of a truck as provided in Item 160 (Time Rates).

LIMITATIONS OF SERVICE

Collector may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impracticable to operate vehicles; and may refuse to drive into private property when, in his judgment, driveways or roads are improperly maintained or without adequate turn arounds or have other unsafe conditions.

30

Collector will not be required to enter private property to pickup material while an animal considered or feared to be vicious is loose. The Customer will be required to confine the animal on pickup days.

Collector does not warrant pickup at any particular hour, nor other than to meet reasonable requirements. No credit will be given for a skip in scheduled service due to weather or road conditions if garbage missed is taken on next pickup.

The collector assumes no responsibility for articles left on or near cans or units other than reasonable care.

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 5

Item No.

MATERIAL REQUIRING SPECIAL EQUIPMENT, PRECAUTIONS OR DISPOSAL

40 When customer garbage or refuse contains material such as acids, concrete, hot ashes, oils, solvents, tires, or other materials requiring special equipment or precautions in handling and disposal, service will be subject to the time rates named in Item 160.

DELINQUENT ACCOUNTS

50 A late charge will be added for any account which remains unpaid at the time of the next regular billing in the amount of 1%, minimum, 50¢.

OVERTIME PERIODS

When customer requests service on Holidays, Sundays or other overtime periods, a charge of $_____ per hour will apply in addition to all other applicable charges.

For the purpose of this rule Holidays shall be:

60

New Year's Day (January 1)	Labor Day
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving
Independence Day (July 4)	Christmas Day (December 25)

When any holiday above mentioned falls on Sunday, the following Monday will be observed. No additional charge will be made for overtime or holiday work performed solely for collector's convenience.

RETURN TRIPS

70 Accounts requiring return trips due to the unavailability of material to be collected for reasons within the control of the customer, will be assessed a charge in addition to regular charges as follows:

$ _____ Can or Unit

$ _____ Drum, Bale, Litter Receptacle

$ _____ Container

$ _____ Drop Box

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 6

Item No.

CAN CARRIAGE - DRIVE-INS

Where cans or units are to be loaded by collector and if not placed at the curb, in the alley or at a point where the collector's vehicle can be driven within five feet on improved public roads, or where any of the services named below are involved, ADDITIONAL charges shall be assessed as follows:

Company Name:

Tariff No. _____ ---------- Page 7

Item No.		RATE PER UNIT (except as noted) Weekly Service Residential Per Month	Commercial Per Pickup
	A. **Charge for Carryouts:**		
	Over 5 ft. but not over 25 ft. ———	------ ¢	------ ¢
	For each additional 25 ft. or fraction thereof, add ———	------ ¢	------ ¢
	Note: Collector may elect to drive in at above rates except the charge will be limited to one can. If cans are carried over 125 ft. but are safely accessible to collector's vehicle, the drive-in charge (below) will apply.		
80	B. **Stairs or Steps**		
	For each step up or down ———	------ ¢	------ ¢
	C. **Overhead obstructions**		
	For each overhead obstruction less than 8 ft. from ground ——	------ ¢	------ ¢
	D. **Sunken or Elevated Cans or Units**		
	For cans or units under ground or over 4 ft. above ground, but not involving stairs or steps ———	------ ¢	------ ¢
	E. **Drive-Ins (applies only on one can)**		
	Drive-ins on private roads or driveways of over 125 ft. ———	------ ¢	------ ¢

CAN-UNIT SERVICE - RESIDENTIAL

Rates in this Item will apply only to service for residential property including single family dwellings, duplexes, apartments, mobile homes and courts, condominiums, etc., where such service is billed direct to the occupant of each residential unit.

Monthly Rates - Weekly Service

Number of Units serviced each pickup

	1	2	3	4	5	6
100	$-----	$-----	$-----	$-----	$-----	$-----

(a) For service more frequent than weekly, multiply the above rate by the number of times per week service is rendered.

(b) Charge for occasional extra cans or units on regular pickup shall be _____¢ each.

(c) Customer will be charged for service requested even if fewer units are serviced on a particular trip.

(d) One pickup per month at _____¢ per can will be charged on regular schedules for residential customers on an "on call" basis. Use Special Pickup rates in Item 110 for residential can service not otherwise covered in this item.

CAN-UNIT SERVICE - COMMERCIAL

Rates in this item will apply to commercial businesses; also duplexes, apartments, mobile homes and courts, condominiums, etc., where service is billed to and paid by the residential property owner or manager.

On Regular Routes, not over 5 units grouped together on same pickup: ——— _____¢ each;

110

Over 5 units _____¢ each; Minimum charge per month $_____.

On Special Pickups (item 20k): One unit $ _____; Each additional unit _____¢.

NOTE: A flat monthly charge may be assessed when a set number of units are serviced each week. Such monthly charge shall be computed at 4 1/3 times the applicable rates in this item and item 80 for *each* weekly pickup. Customer will be charged for service ordered even if fewer units are serviced on a particular trip. Occasional

ISSUED: EFFECTIVE:

Issued by:

extra units shall be charged at _____¢ each.

DRUMS

120 Regular Route $_____ per drum

Special Pickup $_____ per drum

ISSUED: EFFECTIVE:

Issued by:

TIME RATES

160 (Cont) Except as otherwise provided, rates named herein apply only when trucks and men are ordered by the customer for a single specific job of a special or emergency nature. Time shall be charged for upon leaving collector's terminal (or other point, if nearer) until return to such terminal (or point at which truck is released, if nearer), excluding interruptions. Add dump fees for site or facility used, as shown in Item No. 230.

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 8

Item No.

LITTER RECEPTACLES

130

	Customer Owned			Collector Owned		
	30 gal	45 gal	60 gal	30 gal	45 gal	60 gal
Each per pickup	$_____	$_____	$_____	$_____	$_____	$_____
Minimum per month	$_____	$_____	$_____	$_____	$_____	$_____

BALES

140

Not over 60 lbs.	$_____ each bale
Over 60 lbs. & Under 90 lbs.	$_____ " "
Over 90 lbs. & Under 125 lbs.	$_____ " "
Over 125 lbs. & Under 150 lbs.	$_____ " "
Over 150 lbs. & Under 175 lbs.	$_____ " "
Over 175 lbs. & Under 225 lbs.	$_____ " "
Over 225 lbs. & Under 300 lbs.	$_____ " "
Over 300 lbs.	$_____ " "

LOOSE AND BULKY MATERIAL

150

Quantities per Pickup	Rate per Cu. Yd. – On Regular Route		
	Bulky Materials	Loose Materials Customer Load	Loose Materials Collector Load
1 to 4 cu. yd.	$_____Per yd.	$_____Per yd.	$_____Per yd.
Each add'l. cu. yd	$_____Per yd.	$_____Per yd.	$_____Per yd.
Each 5' over 8' from truck	$_____Per yd.	$_____Per yd.	$_____Per yd.
Minimum charge	$_____Per Pickup	$_____Per Pickup	$_____Per Pickup

On special jobs apply time rates in Item 160.

Company Name:

Tariff No. _____ ---------- Page 9

Item No.

RATES PER HOUR

160 (Concluded)

	Single Axle			Tandem Axle	
	Nonpacker	Packer	Drop Box	Packer	Drop Box
Truck & Driver	$_____	$_____	$_____	$_____	$_____
Each Extra Man	$_____	$_____	$_____	$_____	$_____
Minimum Charge	1 hour	1 hour	1 hour	1 hour	1 hour

APPLICATION OF CONTAINER AND/OR DROP BOX RATES

(a) Pickup and rental rates for any size container or drop box not specifically provided for will take the rates applicable to the next larger size which is provided for.

(b) Pickup and rental rates on containers will be assessed at their full capacity size regardless of the amount of waste material, etc. in the container at pickup time.

(c) A "roll out" charge of $_____ per container will be assessed where driver is required to move container more than _____ ft. in order to reach truck.

(d) Material, which because of its nature, is required to be taken to a special site for disposal will be charged at time rates named in Item No. 160.

200

(e) When, in connection with rates on containers or drop boxes noncompacted, the loaded vehicle weight is in excess of 27,000 lbs. gross or when a tandem axle truck is required, an additional charge of $_____ per load will be assessed.

(f) When, due to no disability, fault or negligence on the part of the collector, truck must wait at or return to the customer's site to provide scheduled service, the actual waiting time or time consumed in returning to customer's site shall be charged for at the time rates named in Item 160.

(g) Rates for compacted material will apply only when such material has been compacted *prior* to its pickup by collector. Loose material dumped into collector's packer truck from a container will be subject to rates for noncompacted material even though the material may be later compacted within the packer truck.

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 10

Item No.

WASHING AND SANITIZING-CONTAINERS & DROP BOXES

For the service of washing, steam cleaning or sanitizing containers and drop boxes the following charges will apply:

(a) Washing———— Per yd., $_____; Min. $_____

(b) Steam Cleaning———— Per yd., $_____; Min. $_____

210

(c) Sanitizing ———— Per yd., $_____;

(d) Pickup and redelivery charge, per container or drop box if necessary:

Up to 8yds. $_____

Over 8 yds $_____

COMPACTOR RENTAL

Where a compactor is furnished by the collector, a rental rate will be charged as follows:

	Rated cubic yard capacity of charge box	Monthly Rental Charge
220	1 Cubic yard	$_____
	2 Cubic yards	$_____
	3 Cubic yards	$_____
	4 Cubic yards	$_____
	_ Cubic yards	$_____

Note: Charges named are for compactors only and do not include drop box or container the charges for which will be assessed as set forth in Items 250 and 270, and are in addition to charges named in this item. Actual cost of installation will be borne by the customer.

DISPOSAL FEES

Charges in this item apply only in connection with items making reference hereto.

DUMP (Name or Location)	Compacted	Noncompacted
1.	$___ per___	$___ per___
2.	$___ per___	$___ per___
3.	$___ per___	$___ per___

230

(Indicate whether charges are per yd., per ton, per load, etc.)

ISSUED: EFFECTIVE

Issued by:

Company Name:

Tariff No. _____ ---------- Page 11

CONTAINER SERVICE – DUMPED IN COLLECTOR'S VEHICLE

Item No. NONCOMPACTED MATERIAL
Rates Per Container

240

Container Size	PERMANENT				TEMPORARY (Item 20j)			
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each (1)	Each Add'l (2)	(3)	(4)	(5)	(6)	Per Calendar Day (7)	Per Mo. (8)
	$	$	$	$	$	$	$	$
# 1 Yd.								
# 1 1/4 Yd.								
# 1 1/2 Yd.								
# 2 Yd.								
# 3 Yd.								
# 4 Yd.								
ø 5 Yd.								
ø 6 Yd.								
ø 7 Yd.								
ø 8 Yd.								
ø 9 Yd.								
ø10 Yd.								

*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

NOTE – A flat Monthly Charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

(a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.

(b) Where NO monthly rent is shown in (Col. 4): for one weekly pickup – four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/2 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (Permanent Accounts) – #–4 pickups at Col. 1 rate plus Col. 4 Rent, if any. ø–2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: EFFECTIVE:

Issued by:

(11)

Company Name:

Tariff No. _____ ---------- Page 12

CONTAINER SERVICE – DUMPED IN COLLECTOR'S VEHICLE

Item No.

COMPACTED MATERIAL
Rates Per Container

250

Container Size	PERMANENT				TEMPORARY (Item 20j)			
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each (1)	Each Add'l (2)	(3)	(4)	(5)	(6)	Per Calendar Day (7)	Per Mo. (8)
	$	$	$	$	$	$	$	$
# 1 Yd.								
# 1 1/4 Yd.								
# 1 1/2 Yd.								
# 2 Yd.								
# 3 Yd.								
# 4 Yd.								
ø 5 Yd.								
ø 6 Yd.								
ø 7 Yd.								
ø 8 Yd.								
ø 9 Yd.								
ø10 Yd.								

*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

NOTE – A flat Monthly Charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

(a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.

(b) Where NO monthly rent is shown in (Col. 4): for one weekly pickup – four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/3 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (Permanent Accounts) – #–4 pickups at Col. 1 rate plus Col. 4 rent, if any. Ø–2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 13

Item No.

DROP BOX SERVICE - TO DUMP AND RETURN

NONCOMPACTED MATERIAL – RATES PER CONTAINER

Size	PERMANENT			TEMPORARY (Item 20j)			
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per Calendar Day	Per Mo.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2 yd.							
3 yd.							
4 yd.							
5 yd.							
6 yd.							
8 yd.							
10 yd.							
12 yd.							
15 yd.							
18 yd.							
20 yd.							
25 yd.							
30 yd.							
35 yd.							
40 yd.							
45 yd.							
50 yd.							

260

*Where monthly rent is shown in Column (3), rates in Columns (1) and (2) must be equal.

Note 1: Rates in this item are subject to dump fees named in Item No. 230.

Note 2: The minimum monthly charge per container (Permanent Accounts) shall be the rate in Column (1) plus the rent in Column (3), if any.

Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at _____¢ per mile or fraction thereof, such charge to be in addition to all regular charges.

Note 4: A reduction of $_____ per trip shall apply on regular scheduled service.

ISSUED: EFFECTIVE:

Issued by:

Company Name:

Tariff No. _____ ---------- Page 14

Item No.

DROP BOX SERVICE - TO DUMP AND RETURN

COMPACTED MATERIAL – RATES PER CONTAINER

Size	PERMANENT			TEMPORARY (Item 20j)			
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per Calendar Day	Per Mo.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2 yd.							
3 yd.							
4 yd.							
5 yd.							
6 yd.							
8 yd.							
10 yd.							
12 yd.							

270	15 yd.	
	18 yd.	
	20 yd.	
	25 yd.	
	30 yd.	
	35 yd.	
	40 yd.	
	45 yd.	
	50 yd.	

*Where monthly rent is shown in Column (3), rates in Columns (1) and (2) must be equal.

Note 1: Rates in this item are subject to dump fees named in Item No. 230.

Note 2: The minimum monthly charge per container (Permanent Accounts) shall be the rate in Column (1) plus the rent in Column (3), if any.

Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at _____¢ per mile or fraction thereof, such charge to be in addition to all regular charges.

Note 4: A reduction of $_____ per trip shall apply on regular scheduled service.

ISSUED: EFFECTIVE:

Issued by:

(14)

[Order R-89, Appendix A, pages 3, 4, 6, and 7 (codified as WAC 480-70-990), filed 12/8/76; Order R-73, Appendix A, Pages 1—14, filed 6/25/75; Order R-31, Appendix A, pages 1—14, filed 10/18/71.]

Chapter 480-80 WAC
UTILITIES GENERAL--TARIFFS

WAC

480-80-010 Application of rules.
480-80-020 Saving clause.
480-80-030 Definitions.
480-80-040 Tariff.
480-80-050 Copies of tariff to be filed.
480-80-060 Delivery of tariff.
480-80-070 Statutory notice.
480-80-080 Tariff file at principal business office.
480-80-090 Tariff file at designated business offices.
480-80-100 Payment agencies.
480-80-110 Reference to tariff file.
480-80-120 Notice to the public of tariff changes.
480-80-125 Notice by utility to customers concerning hearing.
480-80-130 Notation of receipt of tariff by agents.
480-80-140 Form of tariff sheets.
480-80-150 Numbering of tariffs.
480-80-160 General arrangement of tariff.
480-80-170 Schedule designation.
480-80-180 Tariff sheet designation.
480-80-190 Numbering plan for sheets.
480-80-200 Title page.
480-80-210 Index page.
480-80-220 Rules and regulations page.
480-80-230 Rate schedule page.
480-80-240 Without statutory notice.
480-80-250 Adoption notice.
480-80-260 Tariff of acquired utility.
480-80-270 Reference to tariff.
480-80-280 Issuing agent.
480-80-290 Suspension of tariffs.
480-80-300 Rejection of tariffs.
480-80-310 Exceptions.
480-80-320 Discontinuance of service.
480-80-330 Special contracts.
480-80-340 Forms.
480-80-350 Re-filing tariffs.
480-80-360 Standard tariff forms.
480-80-370 Symbols.
480-80-380 Availability of rules.

WAC 480-80-010 Application of rules. (1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telephone, telegraph, water or irrigation plant which is subject to the jurisdiction of the Washington Utilities and Transportation Commission as to rates and service.

(2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.

(3) In no case shall any utility deviate from these rules unless authorized in writing by the commission. [Order R-5, § 480-80-010, filed 6/6/69, effective 10/9/69.]

WAC 480-80-020 Saving clause. These rules shall not be construed as affecting the validity of any presently effective tariff provisions or pending tariff revisions. Attention shall be given by each utility to bringing presently effective tariffs into compliance with these rules so that all tariffs shall, within a reasonable period of time, conform as to tariff arrangement. [Order R-5, § 480-80-020, filed 6/6/69, effective 10/9/69.]

WAC 480-80-030 Definitions. (1) "Utility", when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telephone, telegraph, water or irrigation plant which is subject to the jurisdiction of the commission as to rates and service.

(2) "Commission", when used in these rules, means the Washington Utilities and Transportation Commission.

(3) "Tariff", as used in these rules, shall mean the complete tariff or any portion thereof containing those rate schedules and rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and

regulations and the applicable statutes and which is applied to specific groups of customers within any particular territory but shall exclude special contracts for special rates, service and facilities.

(4) "Number", "numbers", "numbered" and "numbering", when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated. [Order R-5, § 480-80-030, filed 6/6/69, effective 10/9/69.]

WAC 480-80-040 Tariff. Each utility shall file with the commission in accordance with the public service laws of the state of Washington and these rules and regulations, its tariff or tariffs containing schedules showing all rates, charges, tolls, rentals, rules and regulations, privileges and facilities established by that utility for service rendered or commodity furnished. [Order R-5, § 480-80-040, filed 6/6/69, effective 10/9/69.]

WAC 480-80-050 Copies of tariff to be filed. Three copies of each tariff shall be sent to the commission accompanied by a letter of transmittal. One copy will then be returned to the utility by the commission, after processing, with the receipt date noted thereon. [Order R-5, § 480-80-050, filed 6/6/69, effective 10/9/69.]

WAC 480-80-060 Delivery of tariff. No tariff issued by any utility will be accepted for filing, if not otherwise excepted, unless it is delivered to the commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff is to become effective, as noted, accompanied by a statement that public notice, as required, has been given to the public immediately prior to or coincident with the date upon which such proposal is transmitted to this office. No consideration will be given to the time during which a tariff may be held for delivery charges. The issued date and the effective date must be clearly indicated in the appropriate space on each sheet. The issued date must be a date either prior to or coinciding with the date on the letter accompanying the tariff. [Order R-5, § 480-80-060, filed 6/6/69, effective 10/9/69.]

WAC 480-80-070 Statutory notice. Except as otherwise hereinafter provided, a tariff that is received by the commission too late to give the commission, as well as the public, the full thirty days' notice required by law will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such tariff was received and the date of attempted correction. When any tariff is issued as to which the commission and the public are not given the regular coincident statutory notice, it has the same status as if it had not been issued and full statutory notice must be given on any reissue thereof. No consideration will be given to telephone and telegraph notices in computing the thirty days' notice required. Tariffs received on Saturdays, Sundays and holidays shall be considered as having been received on the following business day. [Order R-5, § 480-80-070, filed 6/6/69, effective 10/9/69.]

WAC 480-80-080 Tariff file at principal business office. (1) Each utility shall provide and maintain at its principal business office, currently listed with and acknowledged by letter of the commission, a complete file of the effective tariff which it issues or is a party to, which file will be in charge of an employee of the utility who shall give desired information and assistance to those who may wish to consult such file. This file shall be open and accessible to the public on the ordinary business days and during the ordinary hours of said office.

(2) Each of the utilities whose principal business office is not in Washington shall designate some one place in Washington, to be acknowledged by letter of the commission, at which place such complete file shall be kept.

(3) Any utility which has not obtained written acknowledgement of its principal business office since June 1, 1959, will be required to do so before further tariff revisions will be entertained from that utility.

(4) There shall be kept posted by the utility, in a public and conspicuous place in every such office, a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN THIS OFFICE AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

[Order R-5, § 480-80-080, filed 6/6/69, effective 10/9/69.]

WAC 480-80-090 Tariff file at designated business offices. (1) Each utility shall keep at each designated business office, currently listed with and acknowledged by letter of the commission, (this list shall contain all of the utility's offices, other than its principal business office, that are normally open to the public for the transaction of business relating to the State of Washington and to which the utility so certifies) a complete and correct copy of the tariff containing rates applicable to the territory under the jurisdiction of that office: *Provided,* That telephone and telegraph utilities will be required to keep interexchange and telegraph rates at toll checking centers only.

(2) Any utility which has not obtained written acknowledgement of its designated business offices since June 1, 1959, will be required to do so before further tariff revisions will be entertained from that utility.

(3) There shall be kept posted by the utility, in a public and conspicuous place in every such office, a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN THIS OFFICE AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

[Order R-5, § 480-80-090, filed 6/6/69, effective 10/9/69.]

WAC 480-80-100 Payment agencies. (1) In payment agencies (offices other than those of the utility but in which are located persons authorized to receive payment for the utility's billed accounts) and in utility offices not listed as business offices because they are not always open to the public, there shall be kept posted by the utility in a public and conspicuous place a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN ---------- (Name, address, and telephone number of nearest listed business office responsible for that service area) AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

(2) In lieu of the notice specified in the preceding subsection, the utility may stamp or print on each bill or envelope in which such bill is mailed, or enclose therewith, a statement giving the name, address and telephone number of its nearest listed business office at which such tariffs are maintained. Commencing ninety days or earlier from July 31, 1959 this procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area. [Order R-5, § 480-80-100, filed 6/6/69, effective 10/9/69.]

WAC 480-80-110 Reference to tariff file. (1) Each utility shall keep tariff files complete and in readily accessible form and shall assist those desiring information therefrom without requiring or requesting the inquirers to assign any reason for such desire.

(2) Every utility shall check its tariff file at each office where kept at least once every six months. [Order R-5, § 480-80-110, filed 6/6/69, effective 10/9/69.]

WAC 480-80-120 Notice to the public of tariff changes. (1) Every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington Utilities and Transportation Commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: *Provided*, That where a tariff or a part of a tariff is filed involving no increase in charges to

its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff. [Order R-5, § 480-80-120, filed 6/6/69, effective 10/9/69.]

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.]

WAC 480-80-130 Notation of receipt of tariff by agents. Each utility shall require its agent or other representative at every office where tariffs are required to be on file, upon receipt of a tariff or part of a tariff for filing at that office, to make a written receipt therefor showing the date when it was received and the date when it was filed and the utility shall keep and preserve

such receipts for a period of at least one year. [Order R–5, § 480–80–130, filed 6/6/69, effective 10/9/69.]

WAC 480-80-140 Form of tariff sheets. All sheets of tariffs must be clearly printed or typed on forms comparable with the commission's standard forms. These forms shall be 8–1/2" x 11" in size and of comparable paper to that used for utility tariff purposes by the commission. Tariff sheets shall have sufficient space on the left margin for binding. [Order R–5, § 480–80–140, filed 6/6/69, effective 10/9/69.]

WAC 480-80-150 Numbering of tariffs. When a utility supplies more than one kind of service, such as electric, water or gas, it shall file separate tariffs for each kind of service. Each completely new tariff hereafter filed will bear a WN U–serial number and each tariff so numbered must be given the next numerical WN U–number not heretofore assigned to the utility's tariffs. The number shall be the official designation of the tariff. The use of additional tariff designations by the utility will be permitted. [Order R–5, § 480–80–150, filed 6/6/69, effective 10/9/69.]

WAC 480-80-160 General arrangement of tariff. (1) Each utility tariff shall consist of a standard title page, a standard index page, a complete set of rules and regulations governing service and a set of rate schedule sheets.

(2) Each sheet of every tariff shall contain, in general, the tariff number, the tariff sheet number, the name of the utility issuing the tariff and the issued date and the effective date of the sheet. One copy of each sheet must bear the actual or facsimile signature of the one authorized to issue and file tariffs. [Order R–5, § 480–80–160, filed 6/6/69, effective 10/9/69.]

WAC 480-80-170 Schedule designation. Scheduled numbers or letters shall be assigned so as to facilitate reference to the schedules. [Order R–5, § 480–80–170, filed 6/6/69, effective 10/9/69.]

WAC 480-80-180 Tariff sheet designation. (1) Each sheet of every utility tariff shall bear a sheet number, each number differing from the other. Upon the first publication of the sheet it shall be designated as Original Sheet _____. The same sheet number shall appear on all subsequent revisions of the sheet and the revisions of the sheet shall be numbered substantially as follows:

On the first revision the sheet shall be designated:

FIRST REVISION OF SHEET _____
CANCELLING
ORIGINAL SHEET _____

On the second revision the sheet shall be designated:

SECOND REVISION OF SHEET _____
CANCELLING
FIRST REVISION OF SHEET _____

(2) On all subsequent revisions the sheet shall bear consecutive revision numbers and shall indictate the cancellation of the superseded sheet unless circumstances dictate otherwise. Any tariff sheet which has been filed and which has been subsequently withdrawn or rejected, before the expiration of statutory notice in connection therewith or by order, shall be considered as not having been issued in the first instance insofar as subsequent sheet numbering is concerned.

(3) No sheet, once cancelled and removed from the tariff, shall be reactivated during the current life of the tariff with which it was associated unless it bears the appropriate revision thereof and contains the same basic material. [Order R–5, § 480–80–180, filed 6/6/69, effective 10/9/69.]

WAC 480-80-190 Numbering plan for sheets. In the construction of a tariff it should be remembered that it will probably be necessary in the future to file additional rates, rules and regulations, etc. To provide a proper place for these subsequent filings in proper relation to schedules, etc., already filed, reservation of sheet numbers should be considered. [Order R–5, § 480–80–190, filed 6/6/69, effective 10/9/69.]

WAC 480-80-200 Title page. (1) The title page of each tariff shall appear as the first sheet of each tariff and shall show the tariff number, the cancelled tariff number when applicable, the name of the utility issuing the tariff, the service offered, the territory to which the tariff applies, the issued date and the effective date of the sheet, the complete name and address of the issuing utility and the signature or facsimile signature and title of the one authorized to issue the tariff.

(2) Whenever a town, city or district is added to or deleted from a territory, then the title page of the tariff applicable to that territory shall be revised in keeping therewith and in accordance with the specifications for the revision of sheets as set forth in these rules. [Order R–5, § 480–80–200, filed 6/6/69, effective 10/9/69.]

WAC 480-80-210 Index page. (1) The index page of each tariff shall appear as the second sheet of each tariff and shall show the tariff number, the name of the utility issuing the tariff, the issued date and the effective date of the sheet, the signature or facsimile signature and title of the one authorized to issue the tariff and shall contain a complete and accurate list of the contents of the tariff by schedule number, sheet title and sheet number.

(2) Whenever a new tariff sheet is added to a tariff and that sheet is not listed in the index page of the tariff at that time then the index page of the tariff shall be revised in accordance with these rules. [Order R–5, § 480–80–210, filed 6/6/69, effective 10/9/69.]

WAC 480-80-220 Rules and regulations page. (1) Each utility filing a tariff or tariffs with the commission shall include, as a part of that tariff, a complete set of rules and regulations governing service under that tariff.

These rules and regulations shall cover at least the following when applicable:

(a) Application for service
(b) Definition of service
(c) Reconnection charge
(d) Service connection
(e) Installation of meters
(f) Distribution main extension and line extension (except where filed as a rate schedule)
(g) Responsibility for, and maintenance of, service
(h) Access to premises
(i) Interruptions to service
(j) Bills
(k) Deposits
(l) Delinquent accounts
(m) Discontinuance of service

(2) Such additional rules and regulations as are necessary shall also be filed. Rules and regulations shall be published on consecutively numbered standard tariff sheets in accordance with these rules and revisions thereof shall be as outlined in these rules. [Order R-5, § 480-80-220, filed 6/6/69, effective 10/9/69.]

WAC 480-80-230 Rate schedule page. (1) Each schedule of rates shall contain the following, when applicable:

(a) Schedule number and classification of service (Name of locality and class of service. If rate is optional, so state.)
(b) Kind of Service (Whether A.C. or D.C. Whether single phase or polyphase. Voltage Frequency, etc.)
(c) Availability
(d) Rate
(e) Minimum charge
(f) Discount
(g) All other factors entering into the computation of the bills under the schedule.

(2) For telephone and telegraph companies the following information shall be given, when applicable:

(a) Exchange rate schedules to include:
(i) Primary rate schedules
(ii) Private branch exchange rate schedules
(iii) Miscellaneous rate schedules
(iv) Base rate area maps
(v) Exchange area maps
(b) Inter-exchange service rate schedules to include:
(i) Basic rate schedules
(ii) Supplementary rate schedules
(iii) List of toll points
(c) Telegraph rate schedules:
(i) Basic rate schedules
(ii) Supplementary rate schedules
(iii) List of telegraph points

(3) The rate schedules shall be published as outlined in these rules and revision thereof shall be in accordance with these rules and shall be accompanied by supporting data and an explanation as to the effect thereof, when applicable. [Order R-5, § 480-80-230, filed 6/6/69, effective 10/9/69.]

WAC 480-80-240 Without statutory notice. (1) On every tariff that is to become effective on less than thirty days' notice by permission, or regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

(a) By authority of W.U.T.C. W.S.N. Order No. _____
(b) By authority of order of the Washington Utilities and Transportation Commission, Cause No. U-_____

(2) Tariffs providing rates for classes of service, etc. not heretofore rendered and covered by the utility's tariff, tariff revisions which reflect no basic change affecting the public or initial tariffs not affecting regulated service, may become effective on one day's notice.

(3) Requests for permission to change tariffs without statutory notice will be granted by the commission only in instances where it deems that circumstances or conditions fully justify it. A complete explanation giving the reasons for such request will be required in connection with the tariff revision, which revision will bear an effective date not less than thirty days after the commission receives same and all notices relative thereto will contain, in addition to the minimum requirements hereinbefore set forth, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of a W.S.N. Order, which date is (date sought). If such permission is granted by the commission, it will alter the inserted effective date in keeping therewith subsequent to which the utility affected thereby, after receiving advice to that effect, shall alter, to the same extent, the effective date on the tariff revision which is on file at its listed business offices in the territory affected thereby and on all posted notices relative thereto, with all such alterations bearing appropriate reference to the applicable W.S.N. Order. Said altered posted notice shall remain posted in that manner until the date originally inserted as the effective date thereof. [Order R-5, § 480-80-240, filed 6/6/69, effective 10/9/69.]

WAC 480-80-250 Adoption notice. (1) In case of a change of ownership, or when a utility or portion thereof is transferred from the operating control of one utility to that of another or when the name of the utility is changed, the utility thereafter operating, if it intends to use the tariff of the former operating utility, shall, for each tariff so used, issue and file with the commission and shall, at the same time, post for thirty days at its listed business offices and its payment agencies in the area affected thereby, an adoption notice substantially as follows:

(Name of utility) hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed by it, all tariffs, rules, notices, concurrences, provisions, authorities, power of attorney or whatsoever other instruments filed with the Washington Utilities and Transportation Commission or its predecessors by (Name of old utility) prior to (Date), the beginning of its possession. By this

notice, it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc. which have heretofore been filed with the Washington Utilities and Transportation Commission or its predecessors.

This notice may be filed and made effective on one day's notice. A similar adoption notice must be filed by a receiver when assuming control and possession of a utility's facilities.

(2) Until such time as an adopted tariff is refiled in the name of the utility which adopted same, all revisions thereto, subsequent to adoption, will bear at the top part of the sheet in the appropriate place the name of the utility whose tariff was adopted and at the bottom part of the sheet after "Issued by" the name of the utility which adopted said tariff and is issuing the revision of the tariff. An adopted tariff may not be adopted by another. [Order R-5, § 480-80-250, filed 6/6/69, effective 10/9/69.]

WAC 480-80-260 Tariff of acquired utility. Every utility acquiring ownership or control of another utility or portion thereof and filing a notice adopting the rates, rules and regulations, etc. of that utility, filed with the commission, shall within sixty days of the filing of such adoption notice, file those rates, rules and regulations, etc. as a part of its own tariff or as a separate tariff in its own name if it plans to continue to operate in accordance therewith. Every utility otherwise operating under an adopted tariff shallendeavor, at least within one year of the filing of such adoption notice, to file its rates, rules and regulations, etc. in its own name. [Order R-5, § 480-80-260, filed 6/6/69, effective 10/9/69.]

WAC 480-80-270 Reference to tariff. (1) The filing of tariffs with the commission does not imply that the provisions of same are approved, unless the commission has prescribed the rates, rules and regulations or practices in an order, and utilities must not in any way make such inference.

(2) Rates and rules and regulations prescribed by the commission in its orders shall, in every instance, be observed by the utilities against which such orders are entered. The utility shall duly publish, file and post the necessary tariff sheets which shall show notation to that effect. Only those rates and rules and regulations so prescribed will carry such notation. [Order R-5, § 480-80-270, filed 6/6/69, effective 10/9/69.]

WAC 480-80-280 Issuing agent. The utility shall provide the commission with a list of the officials or persons and their titles who are authorized to issue and file tariffs in behalf of the utility and shall keep such list current. Any utility which has not made such a list available to the commission since June 1, 1959 will be required to do so before further tariff revisions will be entertained from that utility. [Order R-5, § 480-80-280, filed 6/6/69, effective 10/9/69.]

WAC 480-80-290 Suspension of tariffs. (1) When the commission suspends a utility's tariff or part of a tariff, it will enter a suspension order setting forth the tariff or the parts of the tariff suspended. In that circumstance, the utility affected thereby shall cause a copy of said order to be associated with the tariff revision on file at its listed business offices and its payment agencies and all posted notices relative thereto shall be altered to bear reference to the terms of the order.

(2) When the commission vacates an order of suspension, it will issue an order stating the date on which the rates, rules and regulations, etc. are to become effective, if appropriate. In that circumstance, the utility affected thereby shall proceed as set forth in the preceding paragraph with respect to the filed tariff revision and posted notices and continue such filing and posting for at least thirty days from the date of filing and posting in those cases where the order provides for changes other than those sought.

(3) The tariff sheets affected by the vacation of an order of suspension will bear reference to said order. [Order R-5, § 480-80-290, filed 6/6/69, effective 10/9/69.]

WAC 480-80-300 Rejection of tariffs. A tariff that is received in a form or filed in a method not in accordance with the form or method of tariff publication named in these tariff rules or that reflects retroactive rate treatment will be rejected by the commission and that tariff will have the same status as if it had not been issued and full statutory notice must be given on any reissue thereof. [Order R-5, § 480-80-300, filed 6/6/69, effective 10/9/69.]

WAC 480-80-310 Exceptions. The commission may approve other methods of filing tariffs when the nature of a utility's operations fully warrant such permission being granted. [Order R-5, § 480-80-310, filed 6/6/69, effective 10/9/69.]

WAC 480-80-320 Discontinuance of service. When a utility desires to discontinue a service or services, it shall file a cancellation of the particular tariff to be discontinued or file a revised tariff omitting the particular item or items discontinued, accompanied by advice referring to the items discontinued and the reason therefor. Such filing of cancellations shall be subject to full thirty days' statutory notice, unless made effective by a without statutory notice order, and shall be subject to all other provisions with respect to tariff filings. [Order R-5, § 480-80-320, filed 6/6/69, effective 10/9/69.]

WAC 480-80-330 Special contracts. Every utility shall submit to the commission a true copy of any special contract entered into governing the sale or purchase by it of electrical energy, water, gas, telephone service or other public utility service or commodity when the rate for such service is not specifically covered in the regular tariff and referred to in the contract as controlling and the commission shall be kept current in that regard. [Order R-5, § 480-80-330, filed 6/6/69, effective 10/9/69.]

WAC 480-80-340 Forms. Samples of all forms on which bills are rendered, all forms on which items concerning billing are listed to be conveyed to the customer, all application blanks, and all contract forms shall be made available to the commission and shall be kept current. [Order R-5, § 480-80-340, filed 6/6/69, effective 10/9/69.]

WAC 480-80-350 Re-filing tariffs. A utility may be required to completely re-file its tariff when the commission deems a re-filing of the tariff necessary. [Order R-5, § 480-80-350, filed 6/6/69, effective 10/9/69.]

WAC 480-80-360 Standard tariff forms. The commission will, upon request, furnish, at a nominal charge of two cents per sheet, standard title sheet forms or general forms. [Order R-5, § 480-80-360, filed 6/6/69, effective 10/9/69.]

WAC 480-80-370 Symbols. Symbols shall be used to indicate the purpose and effect of all tariff material submitted to the commission.

These symbols shall appear on the right hand side of the text to which they apply and within the lined margin thereof.

The following list of symbols is to be used by all utilities:

C – To signify changed condition or regulation

D – To signify discontinued rate, regulation or condition

I – To signify increase

K – To signify that material has been transferred to another sheet or place in the tariff.

M – To signify that material has been transferred from another sheet or place in the tariff

N – To signify new rate, regulation, condition or sheet

O – To signify no change*

R – To signify reduction

T – To signify a change in text for clarification

*The use of the symbol "O" shall be discretionary unless its use in the interest of clarity is evident or specifically requested by the commission.

[Order R-5, § 480-80-370, filed 6/6/69, effective 10/9/69.]

WAC 480-80-380 Availability of rules. A copy of these rules shall be available for public inspection at each listed business office of all utilities concerned. [Order R-5, § 480-80-380, filed 6/6/69, effective 10/9/69.]

Chapter 480-90 WAC
GAS COMPANIES--OPERATIONS

WAC

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480-90-266 Utility to notify customer.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-90-010 Application of rules. [Order R-5, § 480-90-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-011.

480-90-020 Saving clause. [Order R-5, § 480-90-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-016.

480-90-030 Definitions of terms as used in these rules. [Order R-5, § 480-90-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-021.

480-90-040 Statement of test procedures. [Order R-5, § 480-90-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-166.

480-90-050 Tariffs. [Order R-5, § 480-90-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-026.

480-90-060 Classification of accounts. [Order R-5, § 480-90-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-070 Annual reports. [Order R-5, § 480-90-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-080 Information available. [Order R-5, § 480-90-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-041.

480-90-090 Complaints. [Order R-5, § 480-90-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-100 Record of complaints. [Order R-5, § 480-90-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-110 Filing of records and reports. [Order R-5, § 480-90-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-181.

480-90-111 Dispute as to billing. [Order R-27, § 480-90-111, filed 7/15/71.] Repealed by Order R-83, filed 6/30/76.

480-90-120 Identification of employees. [Order R-5, § 480-90-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-130 Application for service. [Order R-5, § 480-90-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-046.

480-90-140 Contract for service. [Order R-5, § 480-90-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-061.

480-90-150 Deposits. [Order R-5, § 480-90-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-051.

480-90-160 Discontinuance of service by customer. [Order R-5, § 480-90-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-170 Discontinuance of service by utility. [Order R-5, § 480-90-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-180 Responsibility for delinquent accounts. [Order R-5, § 480-90-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-121.

480-90-190 Refusal of service. [Order R-5, § 480-90-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-056.

480-90-200 Quality of gas. [Order R-5, § 480-90-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-101.

480-90-210 Character of service. [Order R-5, § 480-90-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-220 Change in character of service. [Order R-5, § 480-90-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-230 Pressure variation. [Order R-5, § 480-90-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-240 Changes in use. [Order R-5, § 480-90-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-250 Adequacy and continuity of service. [Order R-5, § 480-90-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-260 Distribution extensions. [Order R-5, § 480-90-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-066.

480-90-270 Service connections. [Order R-5, § 480-90-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-081.

480-90-280 Service entrance. [Order R-5, § 480-90-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-086.

480-90-290 Access to premises. [Order R-5, § 480-90-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-300 Forms of bills. [Order R-5, § 480-90-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.

480-90-310 Dispute as to bills. [Order R-5, § 480-90-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-111.

480-90-320 Location of meter and regulator. [Order R-5, § 480-90-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-136.

480-90-330 Installation of meters. [Order R-5, § 480-90-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-131.

480-90-340 Meter reading. [Order R-5, § 480-90-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-126.

480-90-350 Determination of maximum demand. [Order R-5, § 480-90-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.

480-90-360 Initial accuracy of meters. [Order R-5, § 480-90-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.

480-90-370 Permissible error. [Order R-5, § 480-90-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-151.

480-90-380 Method of testing. [Order R-5, § 480-90-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-390 Frequency of periodic tests. [Order R-5, § 480-90-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-171.

480-90-400 Meter history records. [Order R-5, § 480-90-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-176.

480-90-410 Dispute as to accuracy of meters. [Order R-5, § 480-90-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-156.

480-90-420 Free complaint meter test. [Order R-5, § 480-90-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.

480-90-430 Fee for extra-complaint meter tests. [Order R-5, § 480-90-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.

480-90-440 Identification of meters. [Order R-5, § 480-90-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-140.

480-90-450 Complaint reports. [Order R-5, § 480-90-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-460 Refunds for inaccurate metering. [Order R-5, § 480-90-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-116.

480-90-470 Meter seals. [Order R-5, § 480-90-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.

480-90-480 Reports of accidents. [Order R-5, § 480-90-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

WAC 480-90-011 Application of rules. These rules shall apply to any public service company defined as such by the laws of the State of Washington, as amended, engaged in the manufacture, distribution, sale or furnishing of gas (natural or manufactured) for light, heat, power, refrigeration or air conditioning and which is subject to the jurisdiction of this Commission, such

public service company being hereinafter referred to as "utility".

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the Commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the Commission by any interested and proper party affected.

Upon proper showing of any utility, the Commission may waive or modify, as to that utility, the provisions of any rule herein, except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the Commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW. [Order R-27, § 480-90-011, filed 7/15/71.]

WAC 480-90-016 Saving clause. The adoption of these rules shall in no way preclude the Commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further these rules shall in no way relieve any utility from any of its duties under the Laws of the State of Washington. [Order R-27, § 480-90-016, filed 7/15/71.]

WAC 480-90-021 Glossary. (1) Commission – The Washington Utilities and Transportation Commission.

(2) 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 gas plant within the State of Washington for the purpose of furnishing gas service to the public for hire and subject to the jurisdiction of the Commission.

(3) Customer – Any person, partnership, firm, corporation, municipality, co-operative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Gas – Any fuel gas, whether manufactured, natural, liquid petroleum or any mixture of these.

(a) Natural gas – A mixture of gaseous hydrocarbons and non-hydrocarbons, chiefly methane, occurring naturally in the earth which is delivered from the producing equipment to the customers through transmission and/or distribution systems.

(b) Liquefied petroleum gas – A gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

(c) Manufactured gas – Any gas produced artificially by any process in which the gas is delivered from the generating or producing equipment into the transmission or distribution system.

(5) Cubic foot of gas – A volumetric unit of measure used in sales and testing.

(a) Sales – For the purpose of measuring gas for billing a cubic foot is normally that amount which occupies a volume of one cubic foot under the conditions existing in the customer's meter and as indicated thereon. However pressure and/or temperature recording or compensating devices may be employed to reflect other temperature or pressure base conditions for computing the volume sold. When temperature and/or pressure compensation factors are to be used to compute the volume of gas sold they will be used as set forth in the utility's tariff.

(b) Testing – For the purpose of testing, a cubic foot of gas shall be that amount which at a temperature of sixty degrees (60°) fahrenheit and pressure of 14.73 pounds per square inch absolute, and free of water vapor, occupies a volume of one (1) cubic foot.

(6) British thermal unit (Btu) – The quality of heat required to raise the temperature of one (1) pound of water at 60° fahrenheit and standard pressure, one (1) degree fahrenheit.

(7) Therm – A unit of heat equal to 100,000 Btu's.

(8) Meter test – A test of the volumetric accuracy of a meter.

(a) Periodic test – A routine test made in the regular course of a utility's operation.

(b) Complaint test – A test made as the result of a customer request.

(c) Proof test – A test made prior to each setting of a meter. New meters which are, upon receipt by the utility, acceptance tested to an acceptable sampling plan need not be 100% proof tested prior to the initial installation.

(d) Special test – Any test other than a periodic, complaint or proof test.

In the application of these rules, those terms used in the Public Service Laws of the State of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or the applicable statutes are to be given that meaning generally accepted in the gas industry. [Order R-27, § 480-90-021, filed 7/15/71.]

WAC 480-90-026 Tariffs. Rate schedules, and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC Utilities General – Tariffs. [Order R-27, § 480-90-026, filed 7/15/71.]

WAC 480-90-031 Accounting. (1) The "Uniform System of Accounts" applicable to Class A, B, C, and D Utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of gas utilities in the State of Washington.

(2) Gas Utilities operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	$750,000 or more
B	$250,000 to $750,000
C	$100,000 to $250,000
D	less than $100,000

(3) All Gas utilities having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the Uniform System of Accounts, as published by the NARUC will only be accomplished after due Notice and Order of this Commission.

(5) The Annual Report FPC Form 2 – Class A and B Natural Gas Companies and FPC Form 2A – Class C and D Natural Gas Companies promulgated by the Federal Power Commission is hereby adopted for purposes of annually reporting to this Commission by all Class A, B, C, and D Gas Companies.

All Gas utilities having multi-state operations shall report to this Commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the State of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the State of Washington separately shall be accomplished on an acceptable basis.

(6) The results of operations reported by each gas utility in its Annual Report to the Commission shall be reconciled with the results of operations shown on its books and records.

(7) Any additional data required by this Commission in the reporting requirements of Gas Utilities will only be accomplished after due Notice and Order of this Commission.

(8) The Annual Budget of Expenditures shall be submitted in accordance with chapter 480-140 WAC. [Order R-27, § 480-90-031, filed 7/15/71.]

WAC 480-90-036 Finance——Securities, affiliated interests, transfers of property. (1) A utility will not issue securities or create liens for which authorization of the Commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the Commission under chapter 80.16 RCW is required, without first filing an application and receiving an order granting permission by the Commission in accordance with chapter 80-.08 RCW or chapter 80.16 RCW and chapter 480-146 WAC.

(2) A utility will not transfer any property for which authorization of the Commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC. [Order R-27, § 480-90-036, filed 7/15/71.]

WAC 480-90-041 Availability of information. Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the Commission by formal or informal complaint.

A copy of these rules (chapter 480-90 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request. [Order R-83, § 480-90-041, filed 6/30/76; Order R-27, § 480-90-041, filed 7/15/71.]

WAC 480-90-043 Advertising. (1) No gas utility may recover from any person other than the shareholders (or other owners) of such utility, any direct or indirect expenditure by such utility for promotional or political advertising.

(2) As used in this rule:

(a) The term "advertising" means the commercial use by a utility, of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public, or to such utility's customers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(3) As used in this rule the terms "political advertising" and "promotional advertising" do not include:

(a) Advertising which informs customers how they can conserve energy or can reduce peak demand for energy,

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act,

(c) Advertising regarding service interruptions, safety measures, or emergency conditions,

(d) Advertising concerning employment opportunities with such utility,

(e) Advertising which promotes the use of energy efficient appliances, equipment or services,

(f) Any explanation of existing or proposed rate schedules, or notification of hearings thereon. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-043, filed 12/23/80.]

WAC 480-90-046 Application for service. (1) Anyone desiring service may be required to make application in writing on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the Commission. Such application shall clearly state the character of service for which applied. In the case of flat rate service the use to be made of the service shall be stated.

(2) Should a prospective customer use service prior to making an application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule(s).

(3) Gas under no circumstances shall be re-metered or sub-metered by a customer for resale to another or others. [Order R-27, § 480-90-046, filed 7/15/71.]

WAC 480-90-051 Deposits. (1) Establishment of Credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and 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 (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 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 cash 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 that it is a satisfactory credit risk 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 12 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 there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service.

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

(4) Amount of Deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of Deposit. Where a customer 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.

(6) 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 termination of service and shall be compounded annually.

(7) Extended Payment of Deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), Alternative to Deposit, next below.

(8) Alternative to Deposit. A customer 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 regular service charges or budget billings 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 customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of Deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory Payment. Where the customer has for 12 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 customer.

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

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

(c) Refunds – How Made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule. [Order R–83, § 480–90–051, filed 6/30/76; Order R–27, § 480–90–051, filed 7/15/71.]

WAC 480–90–056 Refusal of service. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a customer if, in its judgment, the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or of such nature that satisfactory service cannot be provided.

(3) The installation of proper protective devices on a customer's premises may be required prior to the furnishing of service whenever the utility deems such an installation necessary to protect its or the customer's property.

(4) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights–of–way, easements, and permits.

(5) A utility may not be required to provide service if, to do so, it would be economically unfeasible. [Order R–27, § 480–90–056, filed 7/15/71.]

WAC 480–90–061 Contract for service. Whenever the classification of service under which the customer or applicant is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently used by the utility shall be submitted to the Commission. [Order R–27, § 480–90–061, filed 7/15/71.]

WAC 480–90–066 Distribution extensions. Each utility shall file, as a part of its tariff, a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant. [Order R–27, § 480–90–066, filed 7/15/71.]

WAC 480–90–071 Discontinuance of service. By customer – A customer shall be required to give notice to the utility of his intention to discontinue service.

By utility – (1) 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 the use of gas for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of gas without approval of the utility.

(d) For wilful waste of gas through improper or imperfect pipes, fixtures, or otherwise.

(e) For failure of the customer to eliminate any hazardous condition found to exist in his facilities (i.e., piping, venting, appliances, etc.).

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

(g) In case of vacation of the premises by customer.

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

(i) For refusal to comply with provisions of WAC 480–90–091, Access to Premises.

(j) For violation of Rules, Service Agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) 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 customer 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 customer or other person of civil or criminal responsibility.

(2) 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 customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer'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.

(b) (i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer'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 service customer. 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.

(ii) Where the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address except as provided in subsection (2)(e) of this section regarding master meters. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then service by mail must also be effected to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself of rights and remedies as set forth in WAC 480-90-096 (complaints and disputes) herein.

(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 customer's account. 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 service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all 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 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 director, Washington State Department of Social and Health Services, as well as to the customer. Upon request from the director 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 disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) (i) The utility shall postpone termination of utility service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of gas service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. Where service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency.

(i) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, it shall consider an appropriate social agency to be third party. In either case, it shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate for and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, 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 customer over the propriety of disconnection.

(5) 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. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-071, filed 12/23/80; Order R-83, § 480-90-071, filed 6/30/76; Order R-27, § 480-90-071, filed 7/15/71.]

WAC 480-90-076 Service responsibilities. Customer Responsibility – The customer shall notify the utility in writing, in advance, of all changes in his equipment or usage, which will materially affect the service to be rendered. Such notice shall be given within a reasonable time to permit the utility to provide the necessary facilities and to acquire additional gas supplies if required. The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility Responsibility – Each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the Commission in connection with performing special investigations if economically feasible. Written records of gas deliveries, pressures, etc. at such check points shall be maintained by the utility when so designated by the Commission.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service, or when such change shall be required by law, the customer shall bear all cost in connection with making changes in his own equipment.

A utility shall adopt and maintain as constant as practical a standard pressure of gas as measured at the outlet of any customer's meter and/or the regulator in cases of a high pressure system. The standard pressure adopted shall be filed with the Commission as a part of each gas utility's schedule of rates, rules and regulations.

Pressures other than standard may be furnished a customer upon mutual agreement between the utility and customer and providing such pressure can be maintained without adversely affecting the service being provided to other customers in the system.

Maintenance – Each utility shall maintain its plant in such condition as will enable it to furnish adequate service and meet applicable state and federal standards.

Interruptions of Service – The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer or customers due to accident, required repairs or replacements, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule.

Each utility shall make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, shall endeavor to reestablish service with the shortest possible delay.

When it is necessary for a utility to make repairs to or change its facilities, the utility may, without incurring any liability therefor, suspend service for such periods as may be reasonably necessary and in such manner as to minimize the inconvenience to customers. Police and fire departments affected by such suspension shall be individually notified. All customers affected by a scheduled interruption shall be given notification through newspapers, radio announcements or other means, at least one day in advance.

Record of Interruptions – Each utility shall keep a record of all interruptions of service affecting 25 or more customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the Commission upon request. [Order R-27, § 480-90-076, filed 7/15/71.]

WAC 480-90-081 Service connections. For the purpose of connecting its distribution system to a customer's premises, a utility shall furnish, install and maintain such pipe and fittings as may be required with the following exceptions:

The customer may be required to pay for or install at his own expense, in compliance with the utility's standards, the service or any portion thereof in accordance with the utility's filed tariff. The service piping up to the point of delivery shall become the property of the utility

who shall accept all responsibility for future maintenance and operation in accordance with its filed tariffs. [Order R-27, § 480-90-081, filed 7/15/71.]

WAC 480-90-086 Service entrance. The utility may require that the customer provide the necessary entrance to the premises to be served at a point easiest of access to its distribution system and comply with reasonable requirements to make such entrance in all respects continuous and free from the possibility of unwarranted tampering or interference. [Order R-27, § 480-90-086, filed 7/15/71.]

WAC 480-90-091 Access to premises. The utility shall have the right of ingress to and egress from the premises of the customer at such reasonable hours as may be necessary for the inspection, testing, maintenance, meter reading and/or removal of the utility's property. The utility shall provide a means of identification for its employees and/or agents in order to claim the right of ingress. (also see WAC 480-90-071) [Order R-27, § 480-90-091, filed 7/15/71.]

WAC 480-90-096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the Commission for further review of any complaint or dispute. The telephone number and address of the Commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the Commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to the provisions of WAC 480-08-050.

(5) When a complaint is referred to a utility by the Commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the Commission and shall keep the Commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records – Each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for Commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year. [Order R-83, § 480-90-096, filed 6/30/76; Order R-27, § 480-90-096, filed 7/15/71.]

WAC 480-90-101 Quality of gas. (1) Calorimeter – When a utility provides and maintains its own gas calorimeter, such calorimeter and necessary accessories shall be installed in a suitable area. The calorimeter and its location shall be approved by the Commission. The accuracy of the calorimeter may be subject to determination and approval by the Commission.

In the case of those utilities serving natural gas which do not maintain a gas calorimeter for billing purposes, the calorimetric results of such equipment as owned by a utility's pipeline supplier may be used upon approval of the Commission.

(2) Caloroptic Indicator – Utilities providing a mixture of liquified petroleum gases and air may use a caloroptic indicator for making heating value tests.

(3) Heating Value – Each utility maintaining such testing station shall make not less than one test of the heating value of the gas supplied to its customers each day. A record of such tests shall be made and kept open for Commission inspection.

(4) Heating Value Requirements – (a) Total heating value shall be stated in British thermal units per cubic foot.

(b) The minimum heating value of gas furnished to the customers of a utility shall be stated in the Tariff of that utility.

(c) The variation permitted from the minimum heating value shall not exceed an amount consistent with uniformly satisfactory appliance operation.

To obtain the average monthly heating value of gas, the results of all determinations of heating value made on any day shall be averaged, giving the average heating value for that day. The average monthly heating value shall be the average of all such daily averages taken during the calendar month.

Each utility shall adopt, subject to the approval of the Commission, standard forms upon which shall be recorded the data and results of each heating value determination, gas analysis and specific gravity determination. Such forms shall be retained as a record at the station where made for a period of not less than two years.

For billing purposes a utility may apply the average heating value for a given month to the following month provided such a procedure is stated in the utility's tariff.

(5) Odorizing Gases – All liquified petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive

odor, the presence of gas down to a concentration in air of not over one-fifth the lower limit of combustibility.

The same shall apply to natural gas when the inherent odor does not meet the required minimum of this rule.

(6) Records – Each utility shall keep a complete record of each quality test as made under these rules, and these records shall be accessible to the Commission or to its authorized representatives.

Each record of a quality test so kept shall contain complete information concerning the test, including such items as the Commission may from time to time require. [Order R-27, § 480-90-101, filed 7/15/71.]

WAC 480-90-106 Form of bills. Content – Bills for utility service shall be issued at intervals not to exceed two months, and at least shall show a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the Commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local Taxes – All customers' bills for gas service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said amount is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for gas service.

Prorating – In case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting forth the method of billing in such cases, the charge shall be prorated in the following manner:

(1) Flat rate service shall be prorated on the basis of the proportionate part of the period during which the service was rendered.

(2) Metered service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating – Estimated bills will be clearly identified as such. A utility shall submit to the Commission its method(s) for estimating customer bills.

Determination of Maximum Demand – Utilities delivering gas to a customer on a demand basis will describe in detail in its filed tariff the method of applying such charge and of ascertaining the demand. [Order R-83, § 480-90-106, filed 6/30/76; Order R-27, § 480-90-106, filed 7/15/71.]

WAC 480-90-116 Refunds for inaccurate metering. In the event that a complaint meter test reveals measurement accuracy outside the permissible limit which is adverse to that customer, the utility shall refund to said customer an amount presumed to have been charged in excess of the amount that would have been charged had the meter registered correctly. Refunds shall be computed upon the assumption that the meter was registering within tolerance six (6) months prior to the date of complaint; provided, however, that if the meter shall have been installed for a period of less than six (6) months or that the definite date of the beginning of such inaccuracy is known, then such date of installation or date of known inaccuracy shall be taken as the date on which such meter shall have been presumed to be 100% accurate. [Order R-27, § 480-90-116, filed 7/15/71.]

WAC 480-90-121 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility. [Order R-27, § 480-90-121, filed 7/15/71.]

WAC 480-90-126 Meter reading. Each meter shall indicate or record the volume measured, registered in cubic feet or other units of volume except where the gas is metered under such conditions as to require the application of a factor. Where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity registered. [Order R-27, § 480-90-126, filed 7/15/71.]

WAC 480-90-131 Installation of meter set assembly (MSA). No utility shall make any charge for furnishing and installing any meter or other appliance for measuring the amount of gas furnished, excepting that if a customer desires for his convenience the installation of more than one meter at one premise for one class of service, then the utility may install such meters upon the payment by the customer of installation cost and a reasonable rental therefor.

No meter shall be required on flat rate services. [Order R-27, § 480-90-131, filed 7/15/71.]

WAC 480-90-136 Location of meter set assembly. The customer shall furnish a convenient place or area for installation of the meter and regulator, accessible for reading, inspection and change. Such place or area shall be acceptable to the utility. [Order R-27, § 480-90-136, filed 7/15/71.]

WAC 480-90-141 Identification of meters. Each metering device shall be identified by serial number or letters or combination of both placed on the body of the

meter in an essentially permanent manner in a conspicuous location along with the company name or initials. [Order R-27, § 480-90-141, filed 7/15/71.]

WAC 480-90-146 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practical. Meters must not leak and must deliver gas without any noticeable fluctuation due to the mechanical operation of the meter.

All meters in service shall be sealed by the use of a sealing device acceptable to the Commission. [Order R-27, § 480-90-146, filed 7/15/71.]

WAC 480-90-151 Metering tolerance. The maximum allowable deviation for a meter is two (2) percent fast or slow at each test rate. [Order R-27, § 480-90-151, filed 7/15/71.]

WAC 480-90-156 Dispute as to meter accuracy. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may make application to the Commission for review of the complaint.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the Commission, the questioned meter set assembly shall not be changed in any manner without prior authorization of the Commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions. [Order R-27, § 480-90-156, filed 7/15/71.]

WAC 480-90-161 Complaint meter test. Initial Complaint Meter Test – Each utility shall initiate a test of the accuracy of a meter, free of charge, within ten (10) working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve (12) months unless relieved of such responsibility upon appeal to the Commission.

When a customer desires in person or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the Commission.

Extra Complaint Meter Test – If any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten (10) working days within which to initiate said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the Commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the Commission show the meter to be slow or correct within the allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test. [Order R-27, § 480-90-161, filed 7/15/71.]

WAC 480-90-166 Statement of test procedures. Each utility shall submit to the Commission a typewritten statement properly identified and dated describing its practice under these rules covering:

1. Description of test methods employed and frequency of tests or observations for determining quality and pressure of gas service furnished.
2. Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.
3. The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.
4. Testing and adjustment program of meters prior to installation and periodic tests after installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the Commission in writing before becoming effective. [Order R-27, § 480-90-166, filed 7/15/71.]

WAC 480-90-171 Frequency of periodic meter tests. The basic periodic test interval for gas meters, other than orifice meters, shall be as follows:

1. Up to 3,000 cubic feet per hour – 10 years
2. 3,000 cubic feet per hour and over – 5 years

Orifice meter differential gauges shall be tested at least once each three months; the orifice plate shall be checked at least once each year. [Order R-27, § 480-90-171, filed 7/15/71.]

WAC 480-90-176 Meter history records. The following meter history information will be maintained for the life of the meter plus three months: Manufacturer's name, date of purchase, type, model or series, manufacturer's number, company's number and current location of the meter.

The following meter history information will be kept current for the time period that encompasses a meter's last shop maintenance and "out proof test" through service, removal and "in proof test" plus six months: Date and nature of repairs (i.e. adjust only, minor repair, partial repair, major repair); date and results of the "out proof test"; date, location and index reading when placed in service; date, location and index reading when removed from service; date, results and complainant's

name and address of any complaint test(s) made while meter was in service; date and results of the "in proof test".

The above records shall be subject to Commission approval.

Meters which are overhauled to new meter standards may be retired and re-enter the system in the same manner as other new meters. [Order R-27, § 480-90-176, filed 7/15/71.]

WAC 480-90-181 Filing of records and reports and the preservation of records. (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the Commission, for such time as is specifically provided in paragraph (2) of this section, or where no time is specified, for a period of three years.

(2) The "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the requirement for the preservation of records of gas companies in the State of Washington.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) of this section, except by prior written permission of the Commission. [Order R-64, § 480-90-181, filed 2/13/74; Order R-27, § 480-90-181, filed 7/15/71.]

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 480-93 WAC
GAS COMPANIES——SAFETY

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-93-001 Definitions. [Order R-28, § 480-93-001, filed 7/15/71.] Repealed by Order R-98, filed 5/18/77. Later promulgation, see WAC 480-93-005.

480-93-050 Pipelines and mains under or along highways and railroads. [Order R-5, § 480-93-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-060 Minimum cover and clearances. [Order R-5, § 480-93-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-070 Welding inspection. [Order R-5, § 480-93-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-090 Bends. [Order R-5, § 480-93-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

WAC 480-93-002 Application of rules. These rules shall apply to all gas companies as defined by WAC 480-93-005 and shall be complied with in the construction, operation, and maintenance of facilities for the transmission and distribution of gas in this state by those

gas companies. [Order R-99, § 480-93-002, filed 5/18/77.]

WAC 480-93-005 Definitions. (1) **Gas Company** – The term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission as to rates and service, or

(b) Every person, corporation, city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas in this state, even though such person, corporation, city or town not be a public service company under chapter 80.28 RCW, and even though such person, corporation, city or town does not deliver, sell or furnish any such gas to any person or corporation within this state.

(2) **Bar Hole** – A hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a CGI.

(3) **Building** – Any structure which is normally or occasionally entered by humans for business, residential or other purposes and in which gas could accumulate.

(4) **Combustible Gas Indicator (CGI)** – A device capable of detecting and measuring gas concentrations of the gas being transported.

(5) **Confined Space** – Any subsurface structure of sufficient size which could accommodate a person and in which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(6) **Follow-Up Inspection** – An inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(7) **Gas Associated Substructures** – Those devices or facilities utilized by a gas company which are not intended for storing, transmitting or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Indication** – An indication is a response by a gas detection instrument that has not been verified as a reading.

(9) **L.E.L.** – The lower explosive limit of the gas being transported.

(10) **Prompt Action** – This action shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating the existing or probable hazard.

(11) **Reading** – A reading is a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented confined space consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(12) **Transmission Line** – As defined in 49 CFR, Part 192, section 192.3.

(13) **Tunnel** – A subsurface passageway large enough for a man to enter and in which gas could accumulate.

(14) Other terms which correspond to those used in 49 CFR, Part 192 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein. [Order R-100, § 480-93-005, filed 5/18/77.]

WAC 480-93-010 Compliance with federal standards. Gas distribution and transmission facilities shall be constructed and operated in compliance with the provisions of CFR 49, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (effective November 12, 1970 except for those provisions applicable to design, installation, construction, initial inspection and initial testing of new pipelines which become effective March 13, 1971) as developed and issued by Office of Pipeline Safety (OPS), Department of Transportation (DOT), under Public Law (PL) 90-481 and as published in the Federal Register, Vol. 35, No. 161, dated August 19, 1970, and all subsequent additions, deletions or amendments thereto when appropriately authorized, issued and made official by OPS-DOT. [Order R-28, § 480-93-010, filed 7/15/71; Order R-5, § 480-93-010, filed 6/6/69, effective 10/9/69.]

WAC 480-93-020 Proximity considerations. Gas pipelines to be operated at pressures in excess of 500 psig and to be designed and constructed for operation in a Class 1 or 2 location shall not be constructed within 500 feet of the places described below without the authority of this commission:

(1) A place of residence.

(2) Property which has been zoned as residential.

(3) A building used for public gatherings, including railroad stations.

(4) Any school building, hospital, public building or any playground.

(5) A building devoted to a business in which more than three people are employed.

(6) A public highway.

In requesting such authority the gas company shall certify to the commission that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and that there is no justification for the pipeline to be designed and constructed to meet Class 3 or 4 requirements at such locations. [Order R-28, § 480-93-020, filed 7/15/71; Order R-5, § 480-93-020, filed 6/6/69, effective 10/9/69.]

WAC 480-93-030 Proscribed areas. Gas pipelines which are to be operated at a maximum pressure in excess of 250 psig shall not be installed within 100 feet of any building intended for human occupancy which is in existence or under construction prior to or at the date of execution of the right-of-way agreement or at the date of filing of a petition in condemnation unless such installation is authorized and approved by the commission. [Order R-28, § 480-93-030, filed 7/15/71; Order R-5, § 480-93-030, filed 6/6/69, effective 10/9/69.]

WAC 480-93-040 Location of compressor stations on gas pipelines. No compressor station to be located on any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas

the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet. [Order R–28, § 480–93–040, filed 7/15/71; Order R–5, § 480–93–040, filed 6/6/69, effective 10/9/69.]

WAC 480–93–080 Welder identification and qualification certificates. Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority. [Order R–28, § 480–93–080, filed 7/15/71; Order R–5, § 480–93–080, filed 6/6/69, effective 10/9/69.]

WAC 480–93–100 Automatic valves. Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation. [Order R–28, § 480–93–100, filed 7/15/71; Order R–5, § 480–93–100, filed 6/6/69, effective 10/9/69.]

WAC 480–93–110 Corrosion control. Whenever a gas company finds from investigation as required by CFR 49, Part 192 that corrosion protection of gas pipelines located within a Class 3 or 4 location is not needed, such company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required, such report to include the results of soil tests and other supporting data; otherwise all gas pipelines located in a Class 3 or 4 location shall be protected by a recognized method or combination of methods of corrosion protection. [Order R–28, § 480–93–110, filed 7/15/71; Order R–5, § 480–93–110, filed 6/6/69, effective 10/9/69.]

WAC 480–93–120 Exposed pipelines. Proper warning signs shall be placed or other adequate protective measures taken at any point where gas pipelines or mains or associated equipment are exposed and/or because of their location presents an unusually hazardous situation(s). (i.e., river crossings, road crossings, railroad crossings, etc. especially where pressures in excess of 100 psig are involved.) [Order R–28, § 480–93–120, filed 7/15/71; Order R–5, § 480–93–120, filed 6/6/69, effective 10/9/69.]

WAC 480–93–130 Multistage pressure regulation. Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be provided between regulator systems when practical to do so. [Order R–28, § 480–93–130, filed 7/15/71; Order R–5, § 480–93–130, filed 6/6/69, effective 10/9/69.]

WAC 480–93–140 House regulators. Gas companies that do not use relief valves, monitors, or safety shut–off valves on house regulators shall certify, through responsible officers thereof, to the commission they have given due consideration to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut–off valves are not required or appropriate for safe operation. [Order R–28, § 480–93–140, filed 7/15/71; Order R–5, § 480–93–140, filed 6/6/69, effective 10/9/69.]

WAC 480–93–150 Station maintenance. All gas piping or other gas equipment in regulator and other stations no longer essential to the company's operation shall be removed to minimize hazards. [Order R–28, § 480–93–150, filed 7/15/71; Order R–5, § 480–93–150, filed 6/6/69, effective 10/9/69.]

WAC 480–93–160 Reports of proposed construction. (1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:

(a) Description and purpose of the proposed pipeline.

(b) Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.

(c) Maximum allowable operating pressure for which the pipeline is being constructed.

(d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments thereto, other areas requiring special or unusual design and construction considerations.

(e) Proposed corrosion control program to be followed including specifications for coating and wrapping.

(f) Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig.

If water is not to be used, briefly explain and list test medium to be used.

(g) Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30-day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of construction and will be kept current until construction is completed.

(h) Bending procedures to be followed.

(i) Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(j) Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to Office of Pipeline Safety, Department of Transportation, rules and regulations require 60-day advanced notification before approval.

(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month. [Order R-28, § 480-93-160, filed 7/15/71; Order R-5, § 480-93-160, filed 6/6/69, effective 10/9/69.]

WAC 480-93-170 Tests and reports thereof for pipelines. (1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.

(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.

(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.

(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.

(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.

(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service. [Order R-28, § 480-93-170, filed 7/15/71; Order R-5, § 480-93-170, filed 6/6/69, effective 10/9/69.]

WAC 480-93-180 Plan of operations and maintenance procedures and reports thereon. In compliance with the provisions and general intent of the Federal "Natural Gas Pipeline Safety Act" (see CFR 49, Part 192, Sections 192.603 and 192.605) each gas company shall develop appropriate operating, maintenance and/or inspection plans and/or procedures. Such plans and/or procedures, as well as subsequent changes thereto, shall be filed with the commission for review and for determination as to the adequacy of such, when properly executed, to achieve an acceptable level of safety. The commission may after notice and opportunity for a hearing require such plans and/or procedures to be revised. Such plans and/or procedures will be furnished the appropriate Federal Agency upon request. Operational, maintenance and inspection plans and/or procedures will be considered as having been filed with the commission when such have been officially issued by the company and made available to commission personnel at a mutually acceptable filing location and so certified to in writing to the commission. The file designated for commission use will be officially designated or identified by the company as the "WUTC official file". Such files will be kept current and will not be removed from the agreed location except by authorized commission personnel and/or for purposes of proper file maintenance. The plans and/or procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and/or procedures the commission shall consider:

(1) Relevant available pipeline safety data.

(2) Whether the plans and/or procedures are appropriate for the particular type of pipeline operations being engaged in by the company taking into consideration company size, geographical area of operation and the public interest.

(3) The reasonableness of the plans and/or procedures.

(4) The extent to which the plans or procedures if properly executed will contribute to assuring an acceptable level of public safety being maintained by the company.

Furthermore, each gas company shall be responsible for establishing and maintaining such records, making such reports and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted or is acting in compliance with these rules and regulations and the standards established thereunder. Each gas company shall upon request of the commission or its authorized representatives permit the commission or its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company or its agents have acted or are acting in compliance with these rules and regulations and/or standards established hereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits and in a reasonable manner and each inspection shall be commenced and completed with reasonable promptness. [Order R-28, § 480-93-180, filed 7/15/71; Order R-5, § 480-93-180, filed 6/6/69, effective 10/9/69.]

WAC 480-93-184 Gas leak responsibility. Each gas company shall designate personnel who shall be responsible for pipeline and service line patrolling; leak survey practices, procedures, and operations; and leak classification and repairs within its respective areas of operation (i.e. division, district, etc.). [Order R-101, § 480-93-184, filed 5/18/77.]

WAC 480-93-185 Gas leak investigation. Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer or the general public shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken where appropriate to protect life and property. Leaks that are potentially hazardous shall be reported promptly to the operator of the facility and, where appropiate, to the police department, or other appropriate governmental agency. [Order R-102, § 480-93-185, filed 5/18/77.]

WAC 480-93-186 Leakage classification and action criteria. (1) Gas leak classification and repair.

(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.

(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.

Grade 1 – Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.

Grade 2 – Grade 2 means a leak recognized as being nonhazardous at the time of detection but requiring scheduled repair based on probable future hazard.

Grade 3 – Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.

(c) Follow-up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.

(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded. [Order R-103, § 480-93-186, filed 5/18/77.]

Reviser's note: For Table 1, see WAC 480-93-18601.

WAC 480-93-18601 Table 1——Leak classification and action criteria——Grade——Definition——Priority of leak repair——Examples.

TABLE 1——LEAK CLASSIFICATION AND ACTION CRITERIA

GRADE 1

DEFINITION

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous. *The prompt action in some instances may require one or more of the following: a. Implementation of company emergency plan (192.615). b. Evacuating premises. c. Blocking off an area. d. Rerouting traffic. e. Eliminating sources of ignition. f. Venting the area, or g. Stopping the flow of gas by closing valves or other means. h. Notifying police and fire department[s].	Leaks requiring prompt action: 1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard. 2. Escaping gas that has ignited unintentionally. 3. Any indication of gas which has migrated into or under a building or tunnel. 4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building. 5. Any reading of 80% LEL or greater in a confined space. 6. Any reading of 80% LEL, or greater in small substructures not associated with gas facilities where the gas would likely migrate to the outside wall of a building. 7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

GRADE 2

DEFINITION

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIR	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered: a. Amount and migration of gas, b. Proximity of gas to buildings and subsurface structures, c. Extent of pavement, and d. Soil type and conditions, such as frost cap, moisture and natural venting. Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition. It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day. On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions: 1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building. B. Leaks requiring action within six months: 1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building. 2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building. 3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard. 4. Any reading between 20% LEL and 80% LEL in a confined space. 5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak. 6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

GRADE 3

DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIR	EXAMPLES
Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.	Leaks requiring reevaluation at periodic intervals: 1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes. 2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building. 3. Any reading of less than 20% LEL in a confined space.

[Order R-103, Table 1 (codified as WAC 480-93-18601), filed 5/18/77.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-93-187 Records and self audit. (1) Leak records. Historical gas leak repair records shall be maintained by each gas company. Sufficient data shall be available so that the adequacy of the company maintenance programs can be demonstrated and to provide the information needed to complete Department of Transportation Leak Report Forms DOT F-7100.1, DOT F-7100.1-1, DOT F-7100.2, and DOT F-7100.2-1.

The following data shall be recorded and maintained; but need not be in any specific format or retained at one location. Environmental description records are required only for those leaks which are reported to a regulatory agency. Information which cannot reasonably be expected to be available under the circumstances existing need not be reported.

(a) Date detected, time reported, time dispactched, time investigated and by whom.

(b) Date reevaluated before repair and by whom.

(c) Date repaired, time of repair when a Grade 1 leak is involved, and by whom.

(d) Date rechecked after repair and by whom.

(e) If reportable leak, date and time of telephone report to regulatory authority and by whom.

(f) Location of leak. (Sufficiently described to allow ready location by other competent personnel.)

(g) Leak grade.

(h) Line use. (distribution, transmission, etc.)

(i) Method of leak detection. (if reported by outside party, list name and address.)

(j) Part of system where leak occurred. (Main, service, etc.)

(k) Part of system which leaked. (Pipe, valve, fitting, compressor or regulator station, etc.)

(l) Material which leaked. (Steel, plastic, cast iron, etc.)

(m) Origin of leak.

(n) Pipe description.

(o) Type repair.

(p) Leak cause.

(q) Date pipe installed (if known).

(r) Under cathodic protection? Yes – No.

(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 [Codified as WAC 480-93-18601].

The data to be recorded on leaks which have been appropriately graded as "Grade 3" may be at the company's discretion, but must include, as a minimum, information necessary to allow for proper follow-up action to be accomplished.

(2) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by each gas company:

(a) Repair scheduling – Assure that repairs are made within the time specified.

(b) Repair effectiveness – Assure that leak repairs are effective.

(c) Check adequacy of records. [Order R-104, § 480-93-187, filed 5/18/77.]

WAC 480-93-188 Gas leak surveys. (1) Types of gas leak surveys and test methods. Leak surveys and test methods as set froth in the most currently published issue of the American Society of Mechanical Engineers Guide for Gas Transmission and Distribution Systems, Guide Material Appendix G-11 subsection 3.4, entitled Leakage Surveys and Test Methods shall be employed at the discretion of the operator either singly or in combination. Other survey and test methods may be employed if they are authorized by an appropriate governmental agency.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated and operated in accordance with the latest applicable manufacturers' specifications, methods and procedures unless alternative specifications, methods and procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

(a) Business areas – at least annually.

(b) Residential areas – at least every five years.

(c) Buildings of public assembly – at least annually.

(d) Special surveys or abnormal areas – as required.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey.

(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary.

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building.

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detector.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made.

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving.

(c) Unstable soil areas where active gas lines could be affected.

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example:

(1) Churches.

(2) Schools.

(3) Hospitals.

(6) Leak survey records. For the current and immediately previous survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed. (This could include maps and/or leak survey logs.)

(b) Survey results.

(c) Survey method.

(d) Names of those making survey.

(e) Survey dates.

(f) In addition to the above the following records shall be kept for pressure drop test:

(i) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.

(ii) Test medium used.

(iii) Test pressure.

(iv) Test duration.

(v) Pressure recording charts, or other record of pressure readings.

(vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed periodically:

(a) Leak survey schedule – Assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M–Maintenance, and the general condition of the pipeline system as required by other applicable regulations.

(b) Survey effectiveness – Evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system.

(c) Check adequacy of records. [Order R–105, § 480–93–188, filed 5/18/77.]

WAC 480-93-190 Being aware of construction work near company gas facilities. A definite program shall be adopted by every gas company for obtaining prompt notice and full information concerning the commencement and progress of all construction work in areas in close proximity to pipelines, mains or other gas facilities. The object of such a program will be to lessen the probability of incurring damage to the company's underground facilities. [Order R–28, § 480–93–190, filed 7/15/71; Order R–5, § 480–93–190, filed 6/6/69, effective 10/9/69.]

WAC 480-93-200 Reporting accidents associated with gas company facilities and operations. (1) Each gas company shall give prompt notice to the commission of every accident or incident arising out of its facilities employed in the transmission, supply, storage, distribution or company use of gas which:

(a) Results in a fatality or personal injury requiring hospitalization; or

(b) Results in damage to the property of the company and others of a combined total exceeding $1,000 (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule); or

(c) Requires the taking of any segment of a transmission or a major distribution supply pipeline out of service; or

(d) Results in gas escaping and igniting; or

(e) Is significant, in the judgment of the company, even though it does not meet the criteria of subparagraphs (a) through (d).

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged; and

(b) The extent of such injuries and/or damage; and

(c) A description of the accident or incident to include date, time, and place.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures, flaring or venting of gas, taking a segment of pipeline out of service and normal leak repairs are not to be considered reportable items under this rule.

Reference CFR 49, Part 191 (OPS Leak Reporting Requirements – Docket No. OPS–2) Sections 191.5, 191.7, 191.9, 191.11, 191.13, 191.15 & 191.17. Unless otherwise directed by the commission, the Washington Utilities and Transportation Commission elects to follow the filing of written leak reports as specified under Section 191.7 as a part of its Section 5(a) agreement. A company may file the original and one copy of each required leak report with the WUTC which will in turn (within 10 days) forward a copy to the OPS or it may file one copy directly with the OPS and one copy with the WUTC. Telephonic reporting as required by Section 191.5 will be made to the WUTC who will, if the company desires, relay the reported information to OPS. In the event that WUTC personnel cannot be contacted, then direct reporting to OPS is required. Names and phone numbers of WUTC personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to each company.

Every gas company operating such system in this state shall file with this commission and appropriate officials of all municipalities within which such gas pipelines are located, the names, addresses and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes, immediate notification thereof shall be given to this commission and such municipalities. [Order R–28, § 480–93–200, filed 7/15/71; Order R–5, § 480–93–200, filed 6/6/69, effective 10/9/69.]

WAC 480-93-210 Interruptions to service. Interruptions to the service furnished by any gas pipeline or main affecting a wholesale customer or 25 or more distributor customers or the failure of any major equipment thereof, shall be promptly reported to the commission. When service has been restored a written report shall be submitted promptly to the commission detailing the cause of the interruption and steps taken to prevent any recurrence.

This requirement shall not apply to interruptions to service made by gas companies in accordance with the provisions of contracts between such companies and their customers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company. [Order R–28, § 480–93–210, filed 7/15/71; Order R–5, § 480–93–210, filed 6/6/69, effective 10/9/69.]

WAC 480-93-220 Rule of precedence. Where there is any conflict between the provisions of CFR 49, Part 192 (Minimum Federal Natural Gas Pipeline Safety Standards) and any rule specifically set forth herein, the former shall govern.

These rules shall take precedence over all orders, heretofore made by the commission, insofar as said orders may be inconsistent with these rules.

These rules shall take precedence over all rules filed or to be filed by gas companies insofar as inconsistent therewith. Rules of the gas companies now on file and inconsistent with the rules herein established shall be properly revised and refiled within sixty days from the effective date of this order. [Order R-28, § 480-93-220, filed 7/15/71.]

WAC 480-93-230 Modification/waivers. If in the opinion of the gas company it is determined that an undue hardship or an unsafe condition may result from application of any rule herein prescribed because of special facts, application may be made to the commission to deviate from the order. Each request for deviation shall be accompanied by a full and complete justification for such requested deviation, together with a proposed alternate rule which will be applicable to the conditions requiring the deviation. Requests for waiver will be reduced to writing, properly documented and submitted to the commission in sufficient time to allow a 60-day advanced notice to the office of pipeline safety prior to such a waiver becoming effective. [Order R-28, § 480-93-230, filed 7/15/71; Order R-5, § 480-93-230, filed 6/6/69, effective 10/9/69.]

Chapter 480-100 WAC
ELECTRIC COMPANIES

WAC

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480-100-211 Filing of records and reports and the preservation of records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-100-010 Application of rules. [Order R-5, § 480-100-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-011.

480-100-020 Saving clause. [Order R-5, § 480-100-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-016.

480-100-030 Definitions of terms as used in these rules. [Order R-5, § 480-100-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-021.

480-100-040 Tariffs. [Order R-5, § 480-100-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-026.

480-100-050 Classification of accounts. [Order R-5, § 480-100-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-060 Annual reports. [Order R-5, § 480-100-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-070 Information for customers. [Order R-5, § 480-100-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-041.

480-100-080 Record of complaints. [Order R-5, § 480-100-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-096.

480-100-090 Filing of records and reports. [Order R-5, § 480-100-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-211.

480-100-100 Application for service. [Order R-5, § 480-100-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-046.

480-100-106 Dispute as to billing. [Order R-29, § 480-100-106, filed 7/15/71.] Repealed by Order R-84, filed 6/30/76.

480-100-110 Contract for service. [Order R-5, § 480-100-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-061.

480-100-120 Deposits. [Order R-5, § 480-100-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-051.

480-100-130 Discontinuance of service by customer. [Order R-5, § 480-100-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-140 Discontinuance of service by utility. [Order R-5, § 480-100-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-150 Fraudulent use of service. [Order R-5, § 480-100-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-160 Responsibility for delinquent accounts. [Order R-5, § 480-100-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-116.

480-100-170 Refusal of service. [Order R-5, § 480-100-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-056.

480-100-180 Special metering, record of output, etc. [Order R-5, § 480-100-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-190 Change in character of service. [Order R-5, § 480-100-190, filed 6/6/69, effective 10/9/69.] Repealed

by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-200 Changes in use. [Order R-5, § 480-100-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-210 Adequacy and continuity of service. [Order R-5, § 480-100-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-220 Distribution extensions. [Order R-5, § 480-100-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-066.

480-100-230 Service entrance facilities. [Order R-5, § 480-100-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-081.

480-100-240 Standard frequency. [Order R-5, § 480-100-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-186.

480-100-250 Standard voltage and permissible variation. [Order R-5, § 480-100-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-191.

480-100-260 Voltage tests. [Order R-5, § 480-100-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-196.

480-100-270 Form of bills. [Order R-5, § 480-100-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-101.

480-100-280 Record of billings. [Order R-5, § 480-100-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-106.

480-100-290 Dispute as to bills. [Order R-5, § 480-100-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-300 Meter location. [Order R-5, § 480-100-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-310 Access to premises. [Order R-5, § 480-100-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-320 Identification of employees. [Order R-5, § 480-100-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-330 Meter charges. [Order R-5, § 480-100-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-121.

480-100-340 Meter readings. [Order R-5, § 480-100-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-126.

480-100-350 Initial accuracy of meters. [Order R-5, § 480-100-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-360 Meter seals. [Order R-5, § 480-100-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-370 Meter history record. [Order R-5, § 480-100-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-380 Multipliers and test constants. [Order R-5, § 480-100-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-156.

480-100-390 Accuracy of watthour meters. [Order R-5, § 480-100-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-141.

480-100-400 Accuracy of demand meters. [Order R-5, § 480-100-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-146.

480-100-410 Instrument transformers. [Order R-5, § 480-100-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-151.

480-100-420 Portable indicating instruments. [Order R-5, § 480-100-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-161.

480-100-430 Meter testing. [Order R-5, § 480-100-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-176.

480-100-440 Record of meter tests. [Order R-5, § 480-100-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-450 Dispute as to accuracy of meters. [Order R-5, § 480-100-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-166.

480-100-460 Free complaint meter test. [Order R-5, § 480-100-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-470 Fee for extra-complaint meter tests. [Order R-5, § 480-100-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-480 Complaint reports. [Order R-5, § 480-100-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-490 Refund for inaccurate metering. [Order R-5, § 480-100-490, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-111.

480-100-500 Identification of meters. [Order R-5, § 480-100-500, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-131.

480-100-510 Testing facilities. [Order R-5, § 480-100-510, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-520 Accuracy of test standards. [Order R-5, § 480-100-520, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-201.

480-100-530 Report of accidents. [Order R-5, § 480-100-530, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-206.

WAC 480-100-011 Application of rules. These rules shall apply to any public service company defined as such by the law of Washington, as amended, engaged in the generation, distribution, sale or furnishing of electricity for light, heat or power and which is subject to the jurisdiction of the Commission, such public service company hereinafter referred to as "utility".

The effective tariff provisions filed by utilities shall conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the Commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the Commission by any interested and proper party affected.

Upon proper showing of any utility, the Commission may waive or modify as to that utility, the provisions of any rule herein except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the Commission. Violation will be subject to the penalty provisions of chapter 80.04 RCW. [Order R-29, § 480-100-011, filed 7/15/71.]

WAC 480-100-016 Saving clause. The adoption of these rules shall in no way preclude the Commission from altering or amending the same, in whole or in part,

or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the Laws of the State of Washington. [Order R-29, § 480-100-016, filed 7/15/71.]

WAC 480-100-021 Glossary. (1) Commission – the Washington Utilities and Transportation Commission.

(2) Utility – any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any electric plant within the State of Washington for the purpose of furnishing electric service to the public for hire and subject to the jurisdiction of the Commission.

(3) Customer – any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Meter Tests

(a) Periodic test – a routine test made in the regular course of a utility's operation.

(b) Complaint test – a test made as a result of a request by a customer.

(c) Installation test – a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test – any test other than a periodic, complaint, or installation test.

(e) Sample test – a test made as a result of the inclusion of a meter in a random statistical sample.

In the application of these rules, those terms used in the Public Service Laws of the State of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the electrical industry. [Order R-29, § 480-100-021, filed 7/15/71.]

WAC 480-100-026 Tariffs. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC Utilities General – Tariffs. [Order R-29, § 480-100-026, filed 7/15/71.]

WAC 480-100-031 Accounting. (1) The "Uniform System of Accounts" applicable to Class A, B, C, and D Electric utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of electric utilities in the State of Washington. References in this Uniform System of Accounts to a classification of electric utilities contrary to paragraph 2 below are hereby deleted.

(2) Electric Utilities operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	$750,000 or more
B	$250,000 to $750,000
C	$100,000 to $250,000
D	Less than $100,000

(3) All Electric utilities having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the Uniform System of Accounts, as published by the NARUC, will only be accomplished after due Notice and Order of this Commission.

(5) The Annual Report Form (FPC Form No. 1) promulgated by the Federal Power Commission is hereby adopted for purposes of annually reporting to this Commission by all Class A and B Electric Companies. All electric utilities having multi-state operations shall report to this Commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the State of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the State of Washington separately shall be accomplished on an acceptable basis.

The Annual Report Forms for Class C and D Electric utilities shall be published by this Commission.

(6) The Total Company results of operations reported by each electric utility in its annual report to the Commission shall agree with the results of operations shown on its books and records. The Washington results of operations shall be readily reconcilable to the Total Company results of operations.

(7) Any additional data required by this Commission in the reporting requirements of Electric Utilities in Annual Reports will only be accomplished after due Notice and Order of this Commission.

(8) The Annual Budget of Expenditures shall be submitted in accordance with chapter 480-140 WAC. [Order R-29, § 480-100-031, filed 7/15/71.]

WAC 480-100-036 Finance——Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the Commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the Commission under chapter 80.16 RCW is required, without first filing an application and receiving an authorizing order in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any utility property for which authorization of the Commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC. [Order R-29, § 480-100-036, filed 7/15/71.]

WAC 480-100-041 Availability of information. Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the Commission by formal or informal complaint.

A copy of these rules (chapter 480-100 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request. [Order R-84, § 480-100-041, filed 6/30/76; Order R-29, § 480-100-041, filed 7/15/71.]

WAC 480-100-046 Application for service. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the Commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules. Electric service under no circumstances shall be resold by a customer unless specifically authorized in the filed tariff of the utility. [Order R-29, § 480-100-046, filed 7/15/71.]

WAC 480-100-051 Deposits. (1) Establishment of Credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and 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 (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 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 cash 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 that it is a satisfactory credit risk 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 established [establish] a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 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 there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company; or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service.

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

(4) Amount of Deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of Deposit. Where a customer 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.

(6) 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 termination of service and shall be compounded annually.

(7) Extended Payment of Deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of

the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), Alternative to Deposit, next below.

(8) Alternative to Deposit. A customer 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 regular service charges or budget billings 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 customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of Deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory Payment. Where the customer has for 12 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 customer.

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

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

(c) Refunds – How Made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule. [Order R–84, § 480–100–051, filed 6/30/76; Order R–29, § 480–100–051, filed 7/15/71.]

WAC 480-100-056 Refusal of service. The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer, when such service will adversely affect service being rendered to other customers, or where the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of wiring or electrical equipment is hazardous, or of such character that satisfactory service cannot be provided.

The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights–of–way, easements, and permits.

A utility may not be required to provide service if, to do so, it would be economically unfeasible. [Order R–29, § 480–100–056, filed 7/15/71.]

WAC 480-100-061 Contract for service. Whenever the classification of service under which the applicant or customer is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample of each contract form currently used by the utility shall be submitted to the Commission. [Order R–29, § 480–100–061, filed 7/15/71.]

WAC 480-100-066 Distribution extensions. Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant. [Order R–29, § 480–100–066, filed 7/15/71.]

WAC 480-100-071 Discontinuance of service. By customer – A customer shall be required to give notice to the utility of his intention to discontinue service.

By utility – (1) 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 15 days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

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

(g) In case of vacation of the premises by customer.

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

(i) For refusal to comply with provisions of WAC 480–100–091, Access to Premises.

(j) For violation of Rules, Service Agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(1) 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 customer 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 customer or other person of civil or criminal responsibility.

(2) 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 customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer'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.

(b) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer'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 service customer. 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 10 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 customer 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 customer's account. 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 service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all 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 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 Director, Washington State Department of Social and Health Services, as well as to the customer. Upon request from the Director or his designee, a delay in disconnection of no less than 5 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 disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the Commission.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, 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 customer over the propriety of disconnection.

(5) 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. [Order R-84, § 480-100-071, filed 6/30/76; Order R-29, § 480-100-071, filed 7/15/71.]

WAC 480-100-076 Service responsibilities. Customer Responsibility – The customer shall notify the utility, in writing, in advance of all changes in equipment or usage which will materially affect the service to

be rendered. Such notice shall be given within a reasonable time to permit the utility to provide necessary facilities and acquire additional power supply if required.

The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility Responsibility – Each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the Commission in connection with performing special investigations if economically feasible.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service or when such change shall be required by law, the customer shall bear all cost in connection with making changes in his own equipment.

Maintenance – Each utility shall maintain its plant and system in such condition as will enable it to furnish adequate service.

Interruptions of Service – Each utility shall endeavor to avoid interruptions of service, and, when such interruptions occur, to re–establish service with a minimum of delay.

When it is necessary for a utility to make repairs to or change its facilities the utility may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers, provided that, when practicable, such interruption shall be during working hours regularly maintained by the utility. Police and fire departments affected by the interruption shall be individually notified. All customers affected by a scheduled interruption shall be given notification, through newspapers, radio announcements or other means, at least one day in advance.

Record of Interruptions – Each utility shall keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the Commission upon request. [Order R–29, § 480–100–076, filed 7/15/71.]

WAC 480–100–081 Service entrance facilities. Each utility may require that the customer provide the necessary entrance facilities to the premises to be served at a point easiest of access to its distribution system, and comply with reasonable requirements to made such entrance facilities free from the possibility of unwarranted tampering or interference.

Each utility may require the customer to provide a structurally sound point of attachment for its service conductors which will permit the required clearances. [Order R–29, § 480–100–081, filed 7/15/71.]

WAC 480–100–086 Meter location. Subject to the utility's requirements, the customer shall furnish a convenient place, readily accessible without risk of bodily harm to utility employees, free from vibration, corrosive atmosphere, and abnormal temperatures, in which to install the metering equipment. [Order R–29, § 480–100–086, filed 7/15/71.]

WAC 480–100–091 Access to premises. Each utility shall have the right of ingress to or egress from the premises of the customer by its authorized employees or agents at such reasonable hours as may be necessary for meter reading, performance of necessary maintenance, testing, installation or removal of its property.

The utility shall provide a means of identification for those employees or agents required to enter the premises of the customer. [Order R–29, § 480–100–091, filed 7/15/71.]

WAC 480–100–096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still–dissatisfied applicant or customer of the availability of the Commission for further review of any complaint or dispute. The telephone number and address of the Commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the Commission an informal complaint pursuant to the provisions of WAC 480–08–040 and/or a formal complaint pursuant to the provisions of WAC 480–08–050.

(5) When a complaint is referred to a utility by the Commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the Commission and shall keep the Commission currently informed as to progress made with respect to the solution of, and final disposition of the

complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records – Each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for Commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year. [Order R-84, § 480-100-096, filed 6/30/76; Order R-29, § 480-100-096, filed 7/15/71.]

WAC 480-100-101 Form of bills. Content – Bills for utility service shall be issued at intervals not to exceed 2 months, and shall show at least a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the Commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local Taxes – All customers' bills for electric service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for electric service.

Prorating – In case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting forth the method of billing in such cases, the charge shall be prorated in the following manner:

For flat rate service the charge shall be prorated on the basis of the proportionate part of the period during which service was rendered. For metered service, service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating – Estimated bills will be clearly identified as such. Each utility shall submit to the Commission an outline of its method of estimating customer bills.

Determination of Maximum Demand – Whenever a demand basis is used for billing, the utility will describe in detail in its filed tariff the methods of applying such charge and of ascertaining the demand. [Order R-84, § 480-100-101, filed 6/30/76; Order R-29, § 480-100-101, filed 7/15/71.]

WAC 480-100-111 Refund for inaccurate metering. In the event that a complaint meter test reveals an error adverse to the customer in excess of the permissible limit, the utility shall refund to the customer an amount presumed to have been charged in excess of that which would have been charged had the meter registered correctly, such refund to be computed upon the assumption that the meter was registering correctly six (6) months prior to the date of complaint, and that the change in accuracy has progressed uniformly. Provided, however, that if the meter shall have been installed for a period of less than six (6) months, or that the definite date of the beginning of such inaccuracy is known, then such date of installation, or known inaccuracy shall be taken as the date on which such meter shall have been presumed to be correct. [Order R-29, § 480-100-111, filed 7/15/71.]

WAC 480-100-116 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility. [Order R-29, § 480-100-116, filed 7/15/71.]

WAC 480-100-121 Meter charges. A utility shall make no charge for furnishing and installing the meter or meters required to determine the billing to be made for electric service in accordance with its filed tariff. [Order R-29, § 480-100-121, filed 7/15/71.]

WAC 480-100-126 Meter readings. Each meter shall indicate or record the quantity of electric service supplied, registered by such meter in kilowatt hours or other units.

Where the electricity is metered under such conditions as require the application of a multiplier, or where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity consumed. [Order R-29, § 480-100-126, filed 7/15/71.]

WAC 480-100-131 Identification of meters. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter and shall also carry the name or the initials of the utility. [Order R-29, § 480-100-131, filed 7/15/71.]

WAC 480-100-136 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practicable.

All meters in service shall be sealed by the use of a sealing device acceptable to the Commission. [Order R-29, § 480-100-136, filed 7/15/71.]

WAC 480-100-141 Accuracy of watthour meters. Watthour meters used for measuring electrical quantities supplied shall:

(1) Be of proper design for the circuit on which they are used, be in good mechanical condition, have adequate insulation, correct internal connections, and correct register.

(2) Not creep at "no load" more than one full revolution of the disk in five minutes when the load wires are disconnected and potential is impressed or in a shop test where the load wires are disconnected and the permissible voltage variation impressed.

(3) If they are designed for use on alternating current circuits, be accurate to within plus or minus 2.0 per cent, referred to the rotating standard as a base, at two unity power factor loads, one between 5 and 10 per cent of the meter rating and the other between 75 and 150 per cent of the meter rating; and shall register correctly to within 3.0 per cent plus or minus at a power factor of approximately 50 per cent lagging and at a load approximately equal to 100 per cent of the rated current of the meter.

(4) If they are designed for use on direct current circuits, be accurate to within plus or minus 3.0 per cent referred to the rotating standard as a base at two loads, one equal to approximately 10 per cent and the other between 75 per cent and 100 per cent of the meter rating.

(5) If polyphase, have the elements in balance within 2 per cent at approximately 100 per cent load at unity and at approximately 50 per cent lagging power factor.

(6) If used with instrument transformers, be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this rule except that adjustment for instrument transformer errors is not required when instrument transformers with the following accuracy characteristics are used:

(a) Instrument Current Transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from 60 per cent lagging to unity shall not exceed 0.6 per cent at 10 per cent rated current, or 0.3 per cent at 100 per cent current.

(b) Instrument Potential Transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter from 90 per cent rated voltage to 110 per cent rated voltage at any load power factor from 60 per cent lagging to unity, shall not exceed 0.3 per cent.

(7) Be adjusted as closely as practicable to zero error. [Order R-29, § 480-100-141, filed 7/15/71.]

WAC 480-100-146 Accuracy of demand meters. A demand meter, demand register, or demand attachment used to measure customer's service shall:

(1) Be in good mechanical and electrical condition.

(2) Have proper multiplier, indicating scale, resetting device and proper contact device if used.

(3) Not register at no load.

(4) Be accurate to the following degrees:

(a) Curve-drawing meters which record quantity-time curves, and integrated-demand meters shall be accurate to within plus or minus 2.0 per cent of full scale throughout their working range. Timing elements measuring specific demand intervals shall be accurate to within plus or minus 2 per cent and the timing element which serves to provide a record of the time of day when the demand occurs shall be accurate to within plus or minus 4 minutes in 24 hours.

(b) Lagged-demand meters shall be accurate to within plus or minus 4 per cent of final indication. [Order R-29, § 480-100-146, filed 7/15/71.]

WAC 480-100-151 Instrument transformers. (1) Instrument transformers used in conjunction with metering equipment to measure customers' service shall:

(a) Be in proper mechanical condition and have electrical insulation satisfactory for the service on which used.

(b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

100% Power Factor 10% Current	100% Power Factor 100% Current	50% Power Factor 10% Current	50% Power Factor 100% Current
1.5%	.75%	3%	2%

(2) Meters used in conjunction with instrument transformers shall be adjusted so that the over-all accuracies will meet the requirements previously specified.

(a) Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if the transformers are tested separately, the meters shall also be tested to assure that the over-all accuracy of the installation meets the prescribed accuracy requirements.

(b) The result of tests of instrument transformers shall be kept on record and available for use when transformers are installed.

(3) Phase shifting transformers shall have secondary voltages under balanced line voltage conditions within 1 per cent plus or minus of the voltage impressed on the primary. [Order R-29, § 480-100-151, filed 7/15/71.]

WAC 480-100-156 Multipliers and test constants. Meters which are not direct reading and those operating from instrument transformers shall have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier.

The watthour constant for the meter itself shall be placed on all watthour meters. [Order R-29, § 480-100-156, filed 7/15/71.]

WAC 480-100-161 Portable indicating instruments. All portable indicating electrical instruments used for determining quality of service to customers such as

voltmeters, ammeters, and wattmeters, shall be checked against suitable secondary reference standards at least once in each 6 months. If the portable indicating instrument is found appreciably in error at zero it shall be adjusted. If in error by more than 1 per cent of indication at commonly used scale deflections, it shall be adjusted unless accompanied by a calibration card. A history and calibration record shall be kept for each such instrument. [Order R-29, § 480-100-161, filed 7/15/71.]

WAC 480-100-166 Dispute as to accuracy of meters. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may appeal to the Commission for review.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the Commission, the questioned meter shall not be adjusted in any manner without prior authorization of the Commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions. [Order R-29, § 480-100-166, filed 7/15/71.]

WAC 480-100-171 Complaint meter test. Initial Complaint Meter Test - Each utility shall initiate a test of the accuracy of a meter, free of charge, within ten (10) working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve (12) months unless relieved of such responsibility upon appeal to the Commission.

When a customer desires either personally or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the Commission.

Extra Complaint Meter Test - If any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten (10) working days within which to make said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the Commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the Commission show the meter to be slow or correct within the allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test.

Reports - The utility may be required to submit to the Commission at such times as the Commission may designate, reports of meter tests made in response to customers' complaints. These reports are to contain the name and address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date tested, the reading of the meter when tested, the accuracy of the meter as found, and its accuracy as left. [Order R-29, § 480-100-171, filed 7/15/71.]

WAC 480-100-176 Statement of test procedures. Each utility shall submit to the Commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests of meters in service for determining the accuracy of meters.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the Commission in writing before becoming effective.

Records shall be maintained showing the date when each testing instrument or other equipment was last calibrated and adjusted. [Order R-29, § 480-100-176, filed 7/15/71.]

WAC 480-100-181 Meter history records. Records showing the history of each meter shall be maintained for the life of the meter plus three months. Such records shall be subject to approval of the Commission and shall show the approximate date of purchase, the manufacturer's name and meter number, the utility's meter number, the places of installation, the readings at the time of each installation and each removal. The records shall include the date of all tests made together with data recorded and computations made in order to determine the accuracy of the meter. If a test is a Complaint Test, the records shall also include the name of the complainant and the accuracy of the meter as found, and as left. [Order R-29, § 480-100-181, filed 7/15/71.]

WAC 480-100-186 Standard frequency. Each utility supplying alternating current shall adopt a standard frequency which shall be stated in its tariff or schedule of rates for alternating current services. Each utility shall at all times maintain such frequency reasonably

constant. For normal operating conditions, it should maintain such frequency within two per cent above and two per cent below standard frequency. [Order R-29, § 480-100-186, filed 7/15/71.]

WAC 480-100-191 Standard voltage and permissible variation. Voltage, as used herein, means the voltage existing with loads operating under stable conditions.

Each utility shall adopt and file with the Commission standard voltages for its different classes of standard voltage service.

The voltage maintained on the utility's distribution system shall be reasonably constant and any allowed variation shall be a gradual change in voltage as a result of normal changes in load.

The voltage on each primary distribution feeder shall be such that the voltage standards adopted will be maintained as follows:

The variation in voltage shall not be more than 5 per cent above or below the standard voltage adopted, and the total variation of voltage from minimum to maximum shall not exceed 8 per cent of the standard voltage.

A greater variation of voltage than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where the revenues received do not justify close voltage regulation. In such cases the best voltage regulation that is practicable under the circumstances shall be provided. Variations in voltage in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operation or by the operation of power apparatus on the customer's premises which necessarily requires large starting currents and only affects the user of such apparatus, shall not be considered a violation of this rule.

Where the utility's distribution facilities supplying customers are adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that equipment on customer's premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four per cent (4%) of the standard voltage or cause objectionable flicker in other customers' lights. [Order R-29, § 480-100-191, filed 7/15/71.]

WAC 480-100-196 Voltage tests. Each utility shall make tests not less than once every twelve months to indicate the voltage maintained on its primary distribution feeders. Records of such tests shall be available for inspection by the Commission for a period of three years. [Order R-29, § 480-100-196, filed 7/15/71.]

WAC 480-100-201 Accuracy of test standards. (1) Utilities maintaining primary standards such as precision wattmeters, volt boxes, resistances, standard cells, and timing devices shall have such standards certified at the time of purchase as to accuracy by a recognized laboratory.

Utilities having standard cells shall intercompare them regularly and shall have at least one of them checked by a standardizing laboratory at intervals of not more than 2 years. Reference standards of resistance, potentiometers, and volt boxes shall be checked at intervals of not more than 3 years.

(2) Secondary watthour meter standards shall not be in error by more than plus or minus 0.5 per cent at loads and voltages at which they are to be used, and shall not be used to check or calibrate working standards unless the secondary standard has been checked and adjusted, if necessary, within the preceding 12 months. Each secondary standard watthour meter shall have a calibration curve available and a history card.

Any two or more of at least three watthour meters may be used as a secondary standard to check portable rotating standards provided there is no discrepancy in accuracy between any two of the watthour meters used of more than 0.2 per cent at standard test loads. Calibration and history records shall be maintained for each of the meters used as a secondary standard.

(3) Secondary standard indicating instruments shall not be in error by more than plus or minus 0.5 per cent of indication at commonly used scale deflection and shall not be used to check or calibrate portable indicating instruments unless the secondary standard has been checked and adjusted, if necessary, within the preceding 12 months. A calibration record shall be maintained for each standard.

(4) All working rotating standards when regularly used shall be compared with a secondary standard at least once a week if they are of the commutator type and at least once in every 2 weeks if of the induction type. Working rotating standards infrequently used shall be compared with a secondary standard before they are used.

Working rotating standards shall be adjusted, if necessary, so that their accuracy will be within 99.5 per cent and 100.5 per cent at 50 per cent lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working rotating standard.

(5) The meter accuracies herein required as to all primary, secondary and portable standards shall be referred to 100 per cent. Service measuring equipment shall be adjusted to within the accuracies required after correcting the working standards for any deviation in accuracy which appears on the accompanying calibration certificate or curve. [Order R-29, § 480-100-201, filed 7/15/71.]

WAC 480-100-206 Reports of accidents. Each utility shall give prompt notice to the Commission of every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. The report shall include as a minimum the name of the person injured, time and place of accident, a brief explanation and description of the accident and shall be confirmed in writing when the initial report has been oral. [Order R-29, 480-100-206, filed 7/15/71.]

WAC 480-100-211 Filing of records and reports and the preservation of records. (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the Commission, for such time as is specifically provided in paragraph 2 and where no time is specified, for a period of three years.

(2) The "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the preservation of records requirements of Electric Utilities in the State of Washington.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs 1 and 2, except by prior written permission of this Commission. [Order R-29, § 480-100-211, filed 7/15/71.]

Chapter 480-110 WAC
WATER COMPANIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-110-010 Application of rules. [Order R-5, § 480-110-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-011.

480-110-020 Saving clause. [Order R-5, § 480-110-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-016.

480-110-030 Definition of terms as used in these rules. [Order R-5, § 480-110-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-021.

480-110-040 Statement of test procedures. [Order R-5, § 480-110-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-156.

480-110-050 Tariffs. [Order R-5, § 480-110-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-026.

480-110-060 Classification of accounts. [Order R-5, § 480-110-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-070 Annual reports. [Order R-5, § 480-110-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-080 Information available. [Order R-5, § 480-110-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-041.

480-110-090 Complaints. [Order R-5, § 480-110-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-096.

480-110-100 Record of complaints. [Order R-5, § 480-110-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-096.

480-110-106 Dispute as to billing. [Order R-30, § 480-110-106, filed 7/15/71.] Repealed by Order R-85, filed 6/30/76.

480-110-110 Filing of records and reports. [Order R-5, § 480-110-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-176.

480-110-120 Identification of employees. [Order R-5, § 480-110-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-091.

480-110-130 Application for service. [Order R-5, § 480-110-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-046.

480-110-140 Contract for service. [Order R-5, § 480-110-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-061.

480-110-150 Deposits. [Order R-5, § 480-110-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-051.

480-110-160 Discontinuance of service by customer. [Order R-5, § 480-110-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-071.

480-110-170 Discontinuance of service by utility. [Order R-5, § 480-110-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-071.

480-110-180 Responsibility for delinquent accounts. [Order R-5, § 480-110-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-116.

480-110-190 Refusal of service. [Order R-5, § 480-110-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-056.

480-110-200 Service provisions. [Order R-5, § 480-110-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-076.

480-110-210 Changes in use. [Order R-5, § 480-110-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-076.

480-110-220 Adequacy and continuity of service. [Order R-5, § 480-110-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-076.

480-110-230 Distribution extensions. [Order R-5, § 480-110-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-066.

480-110-240 Service connections. [Order R-5, § 480-110-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-081.

480-110-250 Access to premises. [Order R-5, § 480-110-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-091.

480-110-260 Forms of bills. [Order R-5, § 480-110-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-101.

480-110-270 Dispute as to bills. [Order R-5, § 480-110-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-106.

480-110-280 Meter location. [Order R-5, § 480-110-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-086.

480-110-290 Installation of meters. [Order R-5, § 480-110-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-121.

480-110-300 Meters per customer. [Order R-5, § 480-110-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-121.

480-110-310 Meter rental. [Order R-5, § 480-110-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-121.

480-110-320 Meter readings. [Order R-5, § 480-110-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-126.

480-110-330 Initial accuracy of meters. [Order R-5, § 480-110-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-136.

480-110-340 Meter testing facilities. [Order R-5, § 480-110-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-350 Permissible error. [Order R-5, § 480-110-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-141.

480-110-360 Method of testing. [Order R-5, § 480-110-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-370 Frequency of periodic tests. [Order R-5, § 480-110-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-161.

480-110-380 Meter history record. [Order R-5, § 480-110-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-166.

480-110-390 Dispute as to accuracy of meters. [Order R-5, § 480-110-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-146.

480-110-400 Free complaint meter test. [Order R-5, § 480-110-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-151.

480-110-410 Fee for extra complaint meter tests. [Order R-5, § 480-110-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-151.

480-110-420 Identification of meters. [Order R-5, § 480-110-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-131.

480-110-430 Complaint reports. [Order R-5, § 480-110-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-151.

480-110-440 Refunds for inaccurate metering. [Order R-5, § 480-110-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-111.

480-110-450 Meter seals. [Order R-5, § 480-110-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-136.

480-110-460 Service area. [Order R-5, § 480-110-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-026.

480-110-470 Reports of accidents. [Order R-5, § 480-110-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. See WAC 480-110-171.

WAC 480-110-011 Application of rules. These rules shall apply to any public service company defined as such by the law of Washington, as amended, engaged in the distribution, sale or furnishing of water and which is subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility".

The effective tariff provisions filed by utilities shall conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 80.04 RCW. [Order R-30, § 480-110-011, filed 7/15/71.]

WAC 480-110-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the Laws of the state of Washington. [Order R-30, § 480-110-016, filed 7/15/71.]

WAC 480-110-021 Glossary. (1) Commission – the Washington Utilities and Transportation Commission.

(2) Utility – any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission.

(3) Customer – any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Meter Tests

(a) Periodic test – a routine test made in the regular course of a utility's operation, and in accordance with WAC 480-110-161, Frequency of Periodic Test.

(b) Complaint test – a test made as a result of a request by a customer, and in accordance with WAC 480-110-151, Complaint Meter Test.

(c) Installation test – a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test – any test other than a periodic, complaint, or installation test.

(e) Sample test – a test made as a result of the inclusion of a meter in a random statistical sample.

In the application of these rules, those terms used in the Public Service Laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the water industry. [Order R-30, § 480-110-021, filed 7/15/71.]

WAC 480-110-026 Tariffs. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC Utilities General – Tariffs.

The effective tariff of each utility shall contain a description by metes and bounds or a detailed map of the area which it is dedicated to serve by reason thereof. Said description or map shall be kept current. [Order R-30, § 480-110-026, filed 7/15/71.]

WAC 480-110-031 Accounting. (1) The "Uniform System of Accounts" applicable to Class A, B, C, and D Water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of water utilities in the state of Washington.

(2) Water utilities operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	$100,000 or more
B	$50,000 to $100,000
C	$25,000 to $50,000
D	less than $25,000

(3) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of water companies: *Provided*, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(4) Any provisions contained in the Uniform System of Accounts adopted in paragraph (1) above which is contrary to paragraphs (2) and (3) above are hereby deleted.

(5) The Annual Report Forms for all classes of Water Utilities shall be published by this commission and any change will only be accomplished after due Notice and Order of this commission.

(6) The results of operations reported by each water utility in its annual report to the commission shall agree with the results of operations shown on its books and records.

(7) The Annual Budget of Expenditures shall be submitted in accordance with chapter 480-140 WAC. [Order R-30, § 480-110-031, filed 7/15/71.]

WAC 480-110-036 Finance——Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an authorizing order in accordance with chapter 80.08 RCW or chapter 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any utility property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC. [Order R-30, § 480-110-036, filed 7/15/71.]

WAC 480-110-041 Availability of information. Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-110 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request. [Order R-85, § 480-110-041, filed 6/30/76; Order R-30, § 480-110-041, filed 7/15/71.]

WAC 480-110-046 Application for service. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules. [Order R-30, § 480-110-046, filed 7/15/71.]

WAC 480-110-051 Deposits. (1) Establishment of Credit. An applicant for residential service may establish

credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and 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 (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full–time consecutive employment during the entire 12 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 cash 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 that it is a satisfactory credit risk 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 12 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 there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other water company; or where two or more delinquency notices have been served upon the applicant by any other water company during the 12 months previous to the application for service.

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

(4) Amount of Deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two–twelfths of estimated annual billings for utilities billing monthly, three–twelfths of estimated annual billings for utilities billing bimonthly, and four–twelfths of estimated annual billings for utilities billing trimonthly.

(5) Transfer of Deposit. Where a customer 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.

(6) 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 termination of service and shall be compounded annually.

(7) Extended Payment of Deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), Alternative to Deposit, next below.

(8) Alternative to Deposit. A customer 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 regular service charges at periods corresponding to the utility's regular billing period or budget billings for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of Deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory Payment. Where the customer has for 12 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 customer.

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

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

(c) Refunds – How Made. Any deposit plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or

larger deposit shall be in conformity with the standards set forth in this rule. [Order R-85, § 480-110-051, filed 6/30/76; Order R-30, § 480-110-051, filed 7/15/71.]

WAC 480-110-056 Refusal of service. The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer, when such service will adversely effect service being rendered to other customers',' or when the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of piping or equipment is hazardous, or of such character that satisfactory service cannot be provided.

The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

A utility may not be required to provide service if, to do so, it would not be economically feasible. [Order R-30, § 480-110-056, filed 7/15/71.]

WAC 480-110-061 Contract for service. Whenever the classification of service under which the applicant or customer is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample of each contract form currently used by the utility shall be submitted to the commission. [Order R-30, § 480-110-061, filed 7/15/71.]

WAC 480-110-066 Distribution extensions. Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant. [Order R-30, § 480-110-066, filed 7/15/71.]

WAC 480-110-071 Discontinuance of service. By customer - A customer shall be required to give notice to the utility of his intention to discontinue service.

By utility - (1) 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 15 days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For the use of water for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of water without approval of the utility.

(d) For willful waste of water through improper or imperfect piping, equipment, or otherwise.

(e) When customer's piping or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

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

(g) In case of vacation of the premises by customer.

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

(i) For refusal to comply with the provisions of WAC 480-110-091, Access to Premises.

(j) For violation of Rules, Service Agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) 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 customer 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 customer or other person of civil or criminal responsibility.

(2) 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 customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer'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.

(b) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer'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 service customer. 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 10 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 customer 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 customer's account. 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 service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all 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 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 Director, Washington State Department of Social and Health Services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than 5 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 disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the Commission.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, 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 customer over the propriety of disconnection.

(5) 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. [Order R-85, § 480-110-071, filed 6/30/76; Order R-30, § 480-110-071, filed 7/15/71.]

WAC 480-110-076 Service responsibilities. Customer Responsibility – The customer shall notify the utility, in writing, in advance of all changes in equipment or usage which will materially affect the service to be rendered. Such notice shall be given within a reasonable time to permit the utility to provide necessary facilities and acquire additional supply if required.

The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility Responsibility – Each utility shall install amd maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service or when such change shall be required by law, the customer shall bear all cost in connection with making changes in his own equipment.

Maintenance – Each utility shall maintain its plant and system in such condition as will enable it to furnish adequate service.

Quality of Water – Refer to State Board of Health Rule WAC 248-54-430.

Protection of Water Supply – Refer to State Board of Health Rules WAC 248-54-350 and 248-54-470.

Flushing of Mains – Dead ends in the distribution system should be avoided if possible. Where such dead ends exist, they should be flushed at intervals frequent enough to insure satisfactory quality of water to the consumers. Proper provisions must be made for such flushing whenever necessary.

Records shall be kept of all flushing of mains, showing date, place and duration.

Hydrants and Valves – Each utility furnishing fire protection shall inspect and maintain each fire hydrant as often as necessary to insure the hydrants being in proper working order, provided that it shall not be the duty of the utility to service hydrants where a contract with a customer provides that they will be inspected and maintained by the customer.

Each utility furnishing fire protection shall have available a map or maps, showing the location of all valves and fire hydrants which are used either directly or indirectly in furnishing fire protection.

Tests shall be made of each valve in the system, three inches or larger, to determine its operating condition. Such tests shall be made at least once each year, and a record shall be kept, showing the date and result of each test.

Test Records – Each utility shall keep a complete record of each test of quality and service conditions, as made under these rules, and this record shall be accessible to the commission or its authorized representatives.

Each record of tests of quality or of service conditions so kept shall contain complete information concerning the test, including such items as the commission may from time to time require.

Interruptions of Service – Each utility shall endeavor to make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, to re-establish service with a minimum of delay.

When it is necessary for a utility to make repairs to or change its facilities the utility may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers, provided that, when practicable, such interruption shall be during working hours regularly maintained by the utility. Police and fire departments affected by the interruption shall be individually notified. All customers affected by a scheduled interruption shall be given notification, through newspapers, radio announcements or other means, at least one day in advance.

Record of Interruptions – Each utility shall keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the commission upon request. [Order R-30, § 480-110-076, filed 7/15/71.]

WAC 480-110-081 Service connections. For the connection of its distribution system to the customer's premises, a utility shall, with the exceptions indicated below, furnish and install, at its own expense, the pipe, valves, and fittings between its distribution system and the customer's property line. Such an installation shall be designated as "service connection". The utility shall own, operate, maintain and replace, when necessary, the "service connection".

The utility may make a charge for the "service connection", provided, that a provision is filed in its tariff naming such charge. Any connection longer than the width of the street or public highway at the point of connection will not be considered a "service connection", but will be treated as a distribution extension, unless the connection is privately owned, in which case the utility will connect the customer's service with its distribution system treating the connection as a "service connection".

The customer shall furnish and install the necessary pipe and fittings to make the connection between the various points of consumption and the utility's "service connection" at his property line. Such an installation shall be designated as "customer's service".

A "customer's service" shall extend to that point on his property line easiest of access to the utility from its distribution system, or requiring the least extension of that system. In any case where a reasonable doubt exists as to the proper location for the "customer's service", the utility should be consulted and a location agreed upon.

In the installation of a "customer's service", the customer may be required to leave the trench open and the pipe uncovered for no more than two working days so that it may be examined by a representative of the utility and shown to be free from any irregularity or defect which might interfere with the proper rendering of service by the utility.

More than one "service connection" to supply a customer's premises may be constructed by agreement between the utility and the applicant. [Order R-30, § 480-110-081, filed 7/15/71.]

WAC 480-110-086 Meter location. The meter shall be placed in a suitable meter box located at the customer's property line, except when this is not practicable, the meter shall be installed upon the customer's premises in some convenient place approved by the utility, where the meter will at all times be accessible for inspection, reading and testing. [Order R-30, § 480-110-086, filed 7/15/71.]

WAC 480-110-091 Access to premises. Each utility shall have the right of ingress to or egress from the premises of the customer by its authorized employees or agents at such reasonable hours as may be necessary for meter reading, performance of necessary maintenance, testing, installation or removal of its property.

The utility shall provide a means of identification for those employees or agents required to enter the premises of the customer. [Order R-30, § 480-110-091, filed 7/15/71.]

WAC 480-110-096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the Commission for further review of any complaint or dispute. The telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to the provisions of WAC 480-08-050.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records – Each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year. [Order R-85, § 480-110-096, filed 6/30/76; Order R-30, § 480-110-096, filed 7/15/71.]

WAC 480-110-101 Form of bills. Content – Bills for utility service shall be issued at intervals not to exceed three months, and at least shall show a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the Commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local Taxes – All customer's bills for water service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for water service.

Prorating – In case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting forth the method of billing in such cases, the charge shall be prorated in the following manner:

For flat rate service the charge shall be prorated on the basis of the proportionate part of the period during which service was rendered. For metered service, service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating – Estimated bills will be clearly identified as such. Each utility shall submit to the commission an outline of its method of estimating customer bills. [Order R-85, § 480-110-101, filed 6/30/76; Order R-30, § 480-110-101, filed 7/15/71.]

WAC 480-110-111 Refund for inaccurate metering. In the event that a complaint meter test reveals an error adverse to the customer in excess of the permissible limit, the utility shall refund to the customer an amount presumed to have been charged in excess of that which would have been charged had the meter registered correctly, such refund to be computed upon the assumption that the meter was registering correctly six months prior to the date of complaint, and that the change in accuracy has progressed uniformly. Provided, however, that if the meter shall have been installed for a period of less than six months, or that the definite date of the beginning of such inaccuracy is known, then such date of installation, or known inaccuracy shall be taken as the date on which such meter shall have been presumed to be correct. [Order R-30, § 480-110-111, filed 7/15/71.]

WAC 480-110-116 Responsiblity for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility. [Order R-30, § 480-110-116, filed 7/15/71.]

WAC 480-110-121 Meter charges and installation. A utility shall make no charge for furnishing and installing any meter required to determine the charge to be made for water service in accordance with its filed tariff. The utility may file a tariff rule requiring the customer to advance the cost of the meter and its installation at the time of installation and before the water is turned on, provided the customer so requests and there is a metered rate schedule applicable thereto. The amount so paid shall be refunded to the customer by allowing him a credit of one-quarter of his monthly bill until such time as the amount has been paid, provided such refund payments do not run for more than three years from the

date when refunds began. All such meters will be maintained and replaced when necessary by the utility without cost to the customer. When the meter requested is one inch or smaller in size, and the utility fails to install it within thirty days from the date such request is received, then the minimum charge applicable to metered service shall be the maximum amount which such applicant may be required to pay until a meter is installed.

The utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste, without notice to the customer.

The utility shall have the right to meter any flat rate service at its convenience, the utility's metered service rates thereupon to become effective, provided the customer has received at least thirty days written notice. The utility shall keep an adequate record of such notice.

An exception to the maintenance requisite stated above, subject to appeal to the commission, may be made in those cases where the utility can prove that the meter was injured by hot water from the customer's service or where the meter has been broken due to carelessness, negligence or malicious intent on the part of the customer, the meter shall be repaired or replaced by the utility. The cost of such repair or replacement shall be paid by the customer.

The utility shall not be required to install more than one meter for each class of service furnished to a customer at any one location. If the utility, for its own convenience, desires to install more than one meter, the total registration of use as indicated by all the meters for any one class of service shall be used in computing the bill.

No rental shall be charged by any utility for the use of a meter installed by it, excepting that if a customer desires for his convenience the installation of more than one meter on one premise for one class of service, then the utility may install such meters upon the payment, by the customer, of a reasonable rental therefor. The utility shall install a master meter ahead of such group of rental meters, the reading of which shall be used in computing the bills to be rendered. No rental charge shall be made for the master meter. [Order R–30, § 480–110–121, filed 7/15/71.]

WAC 480–110–126 Meter readings. Each meter shall indicate or record the quantity of water supplied, registered in units in which water is sold.

Where the water is metered under such conditions as require the application of a multiplier, or where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity consumed. [Order R–30, § 480–110–126, filed 7/15/71.]

WAC 480–110–131 Identification of meters. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter and shall also carry the name or the initials of the utility. [Order R–30, § 480–110–131, filed 7/15/71.]

WAC 480–110–136 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practicable.

All meters in service shall be sealed by the use of a sealing device acceptable to the commission. [Order R–30, § 480–110–136, filed 7/15/71.]

WAC 480–110–141 Accuracy of meters. Whenever a meter test is made and the meter is found to register more than 102 percent or less than 98 percent of the water passed, it must be adjusted so as to register as nearly 100 percent as is possible. [Order R–30, § 480–110–141, filed 7/15/71.]

WAC 480–110–146 Dispute as to accuracy of meters. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may appeal to the commission for review.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the commission, the questioned meter shall not be adjusted in any manner without prior authorization of the commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions. [Order R–30, § 480–110–146, filed 7/15/71.]

WAC 480–110–151 Complaint meter test. Initial Complaint Meter Test – Each utility shall initiate a test of the accuracy of a meter, free of charge, within ten working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve months unless relieved of such responsibility upon appeal to the commission.

When a customer desires either personally or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the commission.

Extra Complaint Meter Test – If any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten working days within which to make said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the commission show the meter to be slow or correct within the

allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test.

Reports – The utility may be required to submit to the commission at such times as the commission may designate, reports of meter tests made in response to customers' complaints. These reports are to contain the name and address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date tested, the reading of the meter when tested, the accuracy of the meter as found, and its accuracy as left. [Order R–30, § 480–110–151, filed 7/15/71.]

WAC 480–110–156 Statement of test procedures. Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of equipment employed to determine pressure of water furnished.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the commission in writing before becoming effective.

Records shall be maintained showing the date when each testing instrument or other equipment was last calibrated and adjusted. [Order R–30, § 480–110–156, filed 7/15/71.]

WAC 480–110–161 Frequency of periodic tests. The accuracy of registration of all meters in service shall be maintained and shall be insured by periodic tests.

Displacement meters shall be periodically tested as follows:

5/8 in. at least once every ten years
3/4 in. at least once every eight years
1 in. at least once every six years
1–1/2 and 2 in. at least once every four years
over 2 in. at least once every two years

Periodic test periods for testing meters differing from those stated may be prescribed by the commission, if conditions warrant.

Ordinarily, meters of the current and compound type shall be cleaned at least once each year. [Order R–30, § 480–110–161, filed 7/15/71.]

WAC 480–110–166 Meter history records. Records showing the history of each meter shall be maintained for the life of the meter plus three months. Such records shall be subject to approval of the commission and shall show the approximate date of purchase, the manufacturer's name and meter number, the utility's meter number, the places of installation, the readings at the time of each installation and each removal. The records shall include the date of all tests made together with data recorded and computations made in order to determine the accuracy of the meter. If a test is a Complaint Test, the records shall also include the name of the complainant and the accuracy of the meter as found, and as left. [Order R–30, § 480–110–166, filed 7/15/71.]

WAC 480–110–171 Reports of accidents. Each utility shall give prompt notice to the commission of every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. The report shall include as a minimum the name of the person injured, time and place of accident, a brief explanation and description of the accident and shall be confirmed in writing when the initial report has been oral. [Order R–30, § 480–110–171, filed 7/15/71.]

WAC 480–110–176 Filing of records and reports and the preservation of records. (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the commission, for such time as is specifically provided in paragraph (2) of this section, or where no time is specified, for a period of three years.

(2) The "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, Revised 1963" published by the National Association of Railroad and Utilities Commissioners (NARUC) is hereby prescribed as the requirement for the preservation of records of water companies in the state of Washington.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) of this section, except by prior written permission of the Commission. [Order R–64, § 480–110–176, filed 2/13/74; Order R–30, § 480–110–176, filed 7/15/71.]

Chapter 480–120 WAC
TELEPHONE COMPANIES

WAC
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-120-010 Application of rules. [Order R-5, § 480-120-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-011.

480-120-020 Saving clause. [Order R-5, § 480-120-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-016.

480-120-030 Definition of terms as used in these rules. [Order R-5, § 480-120-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-021.

480-120-040 Tariffs. [Order R-5, § 480-120-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-026.

480-120-050 Classification of accounts. [Order R-5, § 480-120-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-060 Annual reports. [Order R-5, § 480-120-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-070 Information—Available. [Order R-5, § 480-120-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-041.

480-120-080 Filing of records and reports. [Order R-5, § 480-120-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-136.

480-120-090 Application for service. [Order R-5, § 480-120-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-051.

480-120-100 Classes of service. [Order R-5, § 480-120-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-046.

480-120-110 Types of service. [Order R-5, § 480-120-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-046.

480-120-111 Dispute as to bills. [Order R-25, § 480-120-111, filed 5/5/71.] Repealed by Order R-86, filed 6/30/76.

480-120-120 Grades of service. [Order R-5, § 480-120-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-046.

480-120-130 Deposits. [Order R-5, § 480-120-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-056.

480-120-140 Discontinuance of service by subscriber. [Order R-5, § 480-120-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-081.

480-120-150 Discontinuance of service by utility. [Order R-5, § 480-120-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-081.

480-120-160 Responsibility for delinquent accounts. [Order R-5, § 480-120-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-121.

480-120-170 Line extension policy. [Order R-5, § 480-120-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-071.

480-120-180 Complaints. [Order R-5, § 480-120-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-101.

480-120-190 Records. [Order R-5, § 480-120-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-136.

480-120-200 Directories. [Order R-5, § 480-120-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-210 Subscriber billing. [Order R-5, § 480-120-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-106.

480-120-220 Dispute as to bills. [Order R-5, § 480-120-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-111.

480-120-230 Adequacy of service. [Order R-5, § 480-120-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-240 Dial service requirements. [Order R-5, § 480-120-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-250 Answering time—Manual toll offices. [Order R-5, § 480-120-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-260 Intercept. [Order R-5, § 480-120-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-270 Farmer lines. [Order R-5, § 480-120-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-091.

480-120-280 Grounded circuits. [Order R-5, § 480-120-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-096.

480-120-290 Maintenance of plant and equipment. [Order R-5, § 480-120-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-300 Interruptions of service. [Order R-5, § 480-120-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-086.

480-120-310 Safety. [Order R-5, § 480-120-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-126.

480-120-320 Reports of accidents. [Order R-5, § 480-120-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-131.

480-120-330 Credit cards. [Order R-5, § 480-120-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. See WAC 480-120-046.

WAC 480-120-011 Application of rules. These rules and regulations shall govern the furnishing of intrastate telephone service and facilities to the public by telephone companies subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility". The purpose of these rules is to set forth reasonable service standards to the end that modern, adequate, efficient and sufficient telephone service will be rendered to the public.

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or subscriber are subject to appeal to

the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rules herein, except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW. [Order R-25, § 480-120-011, filed 5/5/71.]

WAC 480-120-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the Laws of the State of Washington. [Order R-25, § 480-120-016, filed 5/5/71.]

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 480-120-026 Tariffs. Rate schedules, and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC – Utilities General – Tariffs. [Order R-25, § 480-120-026, filed 5/5/71.]

WAC 480-120-031 Accounting. The "Uniform System of Accounts for Class A and Class B Telephone Companies" published by the Federal Communications Commission (FCC) and designated as Volume VIII, Part 31, is hereby prescribed for use of telephone utilities in the state of Washington.

Telephone utilities operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	Exceeding $100,000
B	$100,000 or less

Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies: *Provided*, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

Any provisions contained in the Uniform System of Accounts adopted in paragraph one above which is contrary to paragraph two and three above are hereby deleted.

The Annual Report Form (FCC Form "M") promulgated by the Federal Communications Commission

(FCC) is hereby adopted for purposes of annually reporting to this commission by all telephone companies.

Any deviation from the Uniform System of Accounts and the Annual Report forms adopted and published by the FCC will only be accomplished after due notice and order by this commission.

The total company results of operations reported by each telephone utility in its annual report shall agree with the results of operations shown on its books and records.

All telephone utilities having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

All telephone utilities having multi-state operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission.

The Annual Budget of Expenditures Form for budgetary reporting by all telephone companies having $25,000 or more in annual revenue will be published by this commission in accordance with chapter 480-140 WAC. Any change to these forms will only be accomplished after due notice and order of this commission. [Order R-25, § 480-120-031, filed 5/5/71.]

WAC 480-120-036 Finance--Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an order granting permission by the commission in accordance with chapters 80.08 or 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC. [Order R-25, § 480-120-036, filed 5/5/71.]

WAC 480-120-041 Availability of information. Each utility shall make known to applicants for service and to its subscribers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the telephone company shall be made available to the public upon request at any of its listed business offices. In addition, each telephone company shall publish in its directory a consumer information guide which details the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-120 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its subscribers or their representatives upon request. [Order R-86, § 480-120-041, filed 6/30/76; Order R-25, § 480-120-041, filed 5/5/71.]

WAC 480-120-042 Directory service. A telephone directory shall be regularly published for each exchange, listing the name, address (unless omission is requested), and telephone number of the subscribers who can be called in that exchange, except those subscribers who have a nonlisted or nonpublished telephone number. Any subscriber to residential service may request a dual name primary directory listing which contains, in addition to the subscriber's surname, the given names or initials (or combination thereof) of the subscriber and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the subscriber is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a subscriber pursuant to tariff provision shall also reflect said dual name listing if requested by the subscriber. [Each subscriber to residential service as of the effective date of this rule shall be entitled for a six month period to request on a one-time basis at no cost a change in the manner of listing the subscriber's name to the dual name listing provided for above, so long as there has been no other change requested and made in the subscriber's directory listing since the effective date.]

A copy of any required directory shall be furnished each subscriber in each exchange. If that directory does not also contain such listings for all subscribers who can be called toll free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall be furnished each subscriber upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed, its actual cost for the directory, plus freight, postage, and $0.50.

Normally, telephone directories shall be revised annually; otherwise they shall be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that it is unnecessary to revise the directory within the specified time limit for good cause and/or due to a relatively small number of changes resulting from new listings or changed numbers and if the

exchange is equipped for adequate intercept in the case of dial exchanges.

In the event of an error in the listed number of any subscriber, the telephone company shall, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, providing that this is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another subscriber. In the event of an error or omission in the name listing of a subscriber, such subscriber's correct name and telephone number shall be maintained in the files of the directory assistance operator, and the correct number shall be furnished the calling party upon request.

Whenever a subscriber's telephone number is changed for any reason after a directory is published, the utility shall intercept all calls to the former number, if existing office equipment will permit, for a minimum period of thirty days or until a new directory is published, and give the calling party the new number for that subscriber unless the subscriber has requested that such referral not be made.

When additions or changes to plant or records are scheduled which will necessitate a large group of number changes, a minimum of six months notice shall be given to all subscribers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory. [Order R-92, § 480-120-042, filed 2/9/77.]

WAC 480-120-046 Service offered. (1) Classes of Service – Each utility shall file with the commission, as a part of its tariff, regulations enumerating and comprehensively defining the classes of service available to subscribers.

The classes of service are: Business and Residence.

(2) Types of Service – In general the principal types of service offered shall be flat rate, message rate and semipublic.

(3) Grades of Service – In general the principal grades of service shall be individual, two-party, four-party, suburban and farmer line service. In general, individual, two-party and four-party service shall be available within the base rate area and suburban service provided in suburban areas outside the base rate area of the utility.

Within the base rate area, no utility shall place more than four subscribers on any local exchange line, except upon approval by the commission.

On rural lines where suburban service is provided, no more than 10 subscribers shall be connected to any one suburban service line and an effort should be made to reduce the number of subscribers on suburban service lines to 4. The utility may regroup stations as may be necessary to carry out the provisions of this rule.

No utility shall connect more subscribers to any one line than the number specified for the particular grade of service.

(4) Credit Cards – No telephone utility shall issue a telephone credit card to any person, firm or corporation unless such a person, firm or corporation requests the same and is:

(a) A bona fide subscriber to the utility's exchange service, or

(b) A nonsubscriber to the utility's exchange service meeting the following conditions:

(1) Whose principal location is in the utility's exchange area, and

(2) Is not a subscriber in any other utility's exchange area.[,] or

(c) A nonsubscriber to the utility's exchange service where issuance has been authorized in writing by the commission through its secretary upon a showing in writing by the telephone utility that such issuance is reasonably required and is in the public interest.

When a telephone utility shall learn that the foregoing conditions shall have ceased to exist, with respect to any credit card holder, it shall inform such holder that said credit card is void and that is to be surrendered or destroyed. [Order R-32, § 480-120-046, filed 11/26/71; Order R-25, § 480-120-046, filed 5/5/71.]

WAC 480-120-051 Application for service. Application for service may be made orally or in writing. However, a utility may require anyone desiring service to make application in writing on forms prescribed by the utility and in accordance with its filed tariff(s). An application for service shall clearly state the character of service for which application is being made. Application for service shall be deemed to be an expression of the applicant's willingness to conform to such effective tariff rules and regulations as are on file with the commission.

Upon receipt of an application for service, a utility shall endeavor to provide a specific date upon which service will be provided. If prior to any agreed upon date it becomes apparent that service cannot be supplied as agreed, the utility shall promptly notify the applicant prior to the agreed upon date that there will be a delay in completing his application and the reason(s) therefor.

Each utility shall maintain a record in writing of each application for service, including requests for a change of one grade of service to another, until such applications are acted upon and any commitment for service met. In situations where the utility is unable to make a commitment to provide the service applied for by a given date, the utility shall periodically examine its files to advise applicants of the status of their applications. Applicants for primary station service for which no commitment date has been provided shall be advised of the status of their applications at least once each three months. Applicants for other types of service, or a change of one grade of service to another, for which no commitment date has been provided shall be advised of the status of their applications at least once each six months. [Order R-93, § 480-120-051, filed 2/9/77; Order R-25, § 480-120-051, 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 subparagraphs, (a), (b), or (c), subject to the provisions of subsection (3) of this section:

(a) Prior service with the utility in question of at least twelve months duration, ending no longer than one year prior to the date of application if service was not disconnected for failure to pay and no more than two delinquency notices were served upon the customer, or

(b) Prior service with a utility of the same type as that of which service is sought for at least twelve consecutive months 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, or

(c) Demonstrate three of the credit factors from the following factors:

(i) Full–time consecutive employment, with no more than two employers, or a regular source of income during the entire twenty–four months prior to the application for service, and the applicant is currently employed or has a regular source of income; or the applicant has a permanent, regular source of income.

(ii) Ownership of the premises to be served.

(iii) Has a savings account.

(iv) Has been issued a major charge card.

(v) Has been issued a major oil charge card.

(vi) Has been issued a local charge card.

(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 three 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 on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5 p.m. of the first business day following notification.

(4) Amount of deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed:

(i) For nonresidential service, two–twelfths of estimated annual billings:

(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service, or two months new line billings for all other residential subscribers in a reasonable amount established in the tariffs of the utility, based upon data presented for commission review.

(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, or whose estimated toll or customary utilization is not available and the toll charges exceed fifty percent of the two months new line billing for all utility subscribers of the same class of service as established in the tariffs of the utility, 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 two months customary utilization.

(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 residential subscriber or applicant for residential 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 furnish 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.

(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. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71.]

WAC 480-120-061 Refusal of service. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(4) A utility may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same utility for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made. An applicant or subscriber shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance of service under the provisions of WAC 480-120-081(2)(a). A utility may offer a payment agreement at any time if deemed to be appropriate by the utility.

(5) A utility may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same utility for the same class of service at that address until the obligation is paid or satisfactory arrangements are made.

(6) A utility may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false

statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices. [Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

WAC 480-120-066 Contract for service. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms. [Order R-25, § 480-120-066, filed 5/5/71.]

WAC 480-120-071 Line extension policy. All utilities shall have on file as part of their established tariff, a line extension schedule stating the terms and conditions under which extensions of its lines and services will be made to render service to applicants. [Order R-25, § 480-120-071, filed 5/5/71.]

WAC 480-120-076 Underground. Each telephone utility shall set forth in its tariff its conditions for providing underground facilities. [Order R-25, § 480-120-076, 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 have been removed and when payment or satisfactory arrangements for 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.

(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. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-081, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71.]

WAC 480-120-086 Adequacy of service. Each exchange shall have sufficient switchboard capacity, a sufficient operating force, and/or sufficient automatic equipment to handle traffic at all times with reasonable facility. Each utility shall provide and maintain adequate telephone facilities so as to have available at all times sufficient plant and equipment to supply any reasonable demand for service within the base rate area. When necessary, traffic studies shall be made and recorded during the busy hours, to the extent and frequency required to demonstrate to the commission that sufficient equipment is in use and that an adequate operating force is provided.

(1) Dial Service Requirements – Sufficient dial central office capacity and equipment shall be provided to meet the following minimum requirements during any normal busy hour:

(a) Dial tone within 3 seconds on at least 95 per cent of calls placed.

(b) Complete dialing of called numbers on at least 95 per cent of telephone calls placed without encountering a busy condition within the central office or in inter-office trunks.

(2) Answering Time – Manual Toll Offices – Each utility shall provide sufficient central office equipment and personnel to assure that subscriber and customer calls will be handled without unreasonable delay under normal operating conditions. Reasonably prompt service will be evident when the percentage of all calls answered by an operator in ten seconds or less is 87 1/2% of all calls.

(3) Intercept – New dial central office equipment shall be equipped to provide adequate operator or recorded announcement intercept.

Adequate intercept as used in the preceding paragraph means that the central office be so equipped and arranged to permit the interception of calls to all vacant levels and codes and to ten per cent of all equipped numbers.

Where interception cannot be given on existing central dial office equipment, the equipment shall be so rearranged that if an audible signal is returned on a call to a vacant level or code it shall not be similar to any signal used for other purposes, such as line busy or audible ringing.

(4) Maintenance of Plant and Equipment – Each utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system so as to permit the rendering of modern, adequate, efficient and sufficient service at all times. Inductive interference, cut–offs, interruptions, and disconcerting crosstalk are not consistent with adequate service. Maintenance procedures and employee instructions shall be established and maintained to minimize and/or prevent such occurrences.

All telephone instruments shall be of a compatible type on each line and shall be properly maintained including replacement of transmitters and receivers when broken, damaged, or when necessary for adequate transmission. If subscriber provides instrument it shall be maintained by the subscriber in accordance with these standards. Station batteries shall be regularly tested and replaced whenever necessary for efficient service.

In exchanges located in areas where power failures are frequently encountered, suitable emergency power generation facilities shall be available.

(5) Interruptions of Service – Each utility shall make all reasonable efforts to avoid interruptions of service, and when such interruptions occur, shall endeavor to reestablish service with the shortest possible delay. Whenever, in connection with its work, the utility intends to interrupt service for an appreciable period of time, those subscribers who may be affected shall be notified in advance, unless exigencies of the situation do not permit.

Each utility shall keep a record of each interruption of service affecting its entire system or a major division thereof, including a statement of the time, cause, extent and duration of the interruption.

Each utility shall keep a record of the time, duration and cause of the interruption on all lines that are out of service for a period of more than 24 hours.

All reported interruptions of telephone service ("No Service" Condition) shall be restored within a maximum of two working days, excepting interruptions caused by emergency situations, unavoidable casualties and Acts of God.

Cases of service interruptions ("No Service" Condition) affecting public health and safety shall receive priority restoral attention under any and all conditions (particularly in time of disaster). Every available resource must be utilized in an endeavor to restore service within 12 hours.

(6) Test Apparatus – Each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible. [Order R–91, § 480–120–086, filed 2/9/77; Order R–25, § 480–120–086, 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 480-120-091 Farmer lines. Each utility furnishing switching service for farmer lines shall file with the commission reasonable rules and regulations covering conditions under which the utility will connect a farmer line to its facilities and perform switching service. These rules shall provide reasonable regulations covering the maintenance of such lines and equipment as may be required to prevent an adverse effect on the general character of service rendered by the utility. Such rules may provide for the discontinuance of service to an entire line when repairs are required, provided, however, such action may be taken only after written notice of intent to discontinue service has been given to the owners or their representatives, and provided further that if there be danger to life or property such notice may be disregarded. The notice of discontinuance when given, shall specify the particular condition to be corrected. A reasonable period of time shall elapse after issuing a written notice before discontinuance of service. [Order R-25, § 480-120-091, filed 5/5/71.]

WAC 480-120-096 Grounded circuits. No additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to metallic or equivalent circuits. [Order R-25, § 480-120-096, filed 5/5/71.]

WAC 480-120-101 Complaints and disputes. Any complaint or dispute involving a utility and a subscriber shall be treated in the following manner:

(a) Each complaint or dispute received by a utility shall be investigated promptly as required by the particular case, and the result reported to the applicant or subscriber. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or subscriber shall inform the applicant or subscriber that if dissatisfied with the decision or the explanation that is provided, the applicant or subscriber has the right to have that problem considered and acted upon by supervisory personnel. The applicant or subscriber shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or subscriber shall inform a still-dissatisfied applicant or subscriber of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or subscriber and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to the provisions of WAC 480-08-050.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records – Each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year. [Order R-86, § 480-120-101, filed 6/30/76; Order R-25, § 480-120-101, filed 5/5/71.]

WAC 480-120-106 Form of bills. Bills to subscribers shall be rendered regularly and clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

All bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall

include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission. [Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71.]

WAC 480-120-116 Refund for overcharge. Overcharges by a telephone utility to a subscriber shall be refunded to the subscriber retroactive to such time as the overcharge was applied or to the time such overcharge can be documented either by the utility or the subscriber. [Order R-25, § 480-120-116, filed 5/5/71.]

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.]

WAC 480-120-126 Safety. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

Extreme vigilance shall be exercised to prevent the accumulation of trash and other fire hazards in or upon central office premises.

The storage of flammable and/or combustible materials in central office equipment spaces is prohibited. [Order R-25, § 480-120-126, filed 5/5/71.]

WAC 480-120-131 Reports of accidents. Each utility shall give prompt notice to the commission of every accident resulting in death or serious injury to any person, employee or member of the public occurring in its plants or through contact with any of its facilities. The report shall give the name of the person, extent of injuries, place of accident and brief explanation of same, and shall be verified in writing if not originally reported by letter. [Order R-25, § 480-120-131, filed 5/5/71.]

WAC 480-120-136 Preservation of records. (1) "Volume X, Part 42, Preservation of Records of Communication Common Carriers" adopted and published by the FCC is hereby prescribed as the preservation of records requirements of telephone utilities in the state of Washington.

(2) All records and reports required by these rules shall be retained on file in the office of the utility or in such other place as may be approved by the commission, for such time as is specifically provided in paragraph (1) and where no time is specified, for a period of three years.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) above, except by prior written permission of this commission. [Order R-25, § 480-120-136, filed 5/5/71.]

Chapter 480-130 WAC
STORAGE WAREHOUSE COMPANIES

WAC

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480-130-160 Documents—When filed.
480-130-170 Conflict with tariff rules—Enforcement warehousemen's lien—Transfers of property—Affiliated interests.
480-130-180 Rebates.

WAC 480-130-010 No operation without license. No one shall engage in operations as a public storage warehouseman without first procuring a license in accordance with the provisions of the Warehouse Act, chapter 81.92 RCW, and these rules and regulations. [Order R-5, § 480-130-010, filed 6/6/69, effective 10/9/69.]

WAC 480-130-020 Qualifications for license. (1) Applicant must furnish the Commission evidence of financial ability to protect storers from loss and damage and show sufficient assets, including cash working capital, to carry on the proposed service.

(2) Applicant must have sufficient experience in and knowledge of the public storage warehouse business and of the "Warehouse Act", and of the "Uniform Warehouse Receipts Act", and of these rules and regulations to enable the Commission to find that the operation will be properly conducted.

(3) Applicant shall file and maintain with the Commission a surety bond in the sum of ten thousand dollars ($10,000) executed by the storage warehouseman as principal and a surety company authorized to do business in this state, conditioned upon the storage warehouseman faithfully acting in the manner required by law to the owners thereof for all goods, wares, merchandise, funds, or other property that the storage warehouseman receives, handles, stores, or otherwise deals in, as a storage warehouseman.

(4) Applicant must file a tariff in accordance with WAC 480–130–040.

(5) A copy of the forms of receipt to be used by the warehouseman shall be furnished the Commission with the application for license which shall be in conformity with the provisions of WAC 480–130–050 hereof and otherwise subject to the Commission's approval.

(6) The Commission shall make whatever investigation it deems necessary to determine that the applicant possesses the integrity required to become a custodian of property for the public.

(7) The buildings must be safe and suitable to serve as storage warehouses. The Commission will make an inspection of the premises to determine that they are soundly constructed and in such condition that they will give protection to the goods stored from the hazards of fire, rain, sleet, snow, excess moisture, dust, extreme temperature changes, moths, insects and rodents: *Provided, however,* That the provisions of this rule shall not apply to goods tendered for and accepted for yard storage. The warehouse buildings must be continuously maintained to keep them safe and suitable for storage. The aisles must be wide enough to permit the free and unimpeded passage of goods, wares or merchandise, and must be kept free from obstructions, dust, dirt and litter. [Order R–5, § 480–130–020, filed 6/6/69, effective 10/9/69.]

WAC 480–130–030 Applications for storage warehouse license. (1) All applications for a license must be on forms furnished by the Commission.

(2) All exhibits or papers submitted with the application must be plainly written or typed on one side of the paper only, such paper to be of standard size, 8–1/2 x 11 inches.

(3) No application for license will be passed upon until full compliance with the law and the rules and regulations of the Commission has been made by the applicant. [Order R–5, § 480–130–030, filed 6/6/69, effective 10/9/69.]

WAC 480–130–040 Tariffs. (1) Every warehouseman shall file with the Commission and post at each office for public inspection a schedule of rates and charges for the storage and handling of property in his warehouse, or warehouses, which conforms to the Commission's rules and regulations governing the construction, filing and posting of tariffs.

(2) A warehouseman shall charge no more nor no less than the rates and charges filed with the Commission, nor shall be extended to any person, partnership, or corporation any privilege or facility not extended to all persons, partnerships, and corporations.

(3) No change shall be made by any warehouseman in any rate or charge, or in any rule affecting rates or charges, except in accordance with these rules or outstanding orders of the Commission and after thirty days' notice to the Commission and to the public. Where good cause is shown, and pursuant to special approval by the Commission, changes in rates, charges or rules may be filed on less than thirty days' notice. [Order R–5, § 480–130–040, filed 6/6/69, effective 10/9/69.]

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.]

WAC 480–130–060 Household goods——Definition. (1) The term "household goods" shall mean 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. It further includes furniture and such household appliances as are included within the term "furniture" (new and used) loose and unpacked or uncrated.

(2) When the depositor orders household goods into storage an inventory shall be made at the point of pickup, listing each article or container by number and noting its condition, and it must have the depositor's signature, wherever possible, and warehousemen's records shall indicate that they made an attempt to get depositor's signature, and if not successful, stating why they could not.

(3) All articles and items shall be covered or wrapped except those articles and items which because of their very nature do not require such protection. [Order R-5, § 480-130-060, filed 6/6/69, effective 10/9/69.]

WAC 480-130-070 General merchandise——Definition. The term "general merchandise" means all merchandise not included under the definition "household goods". [Order R-5, § 480-130-070, filed 6/6/69, effective 10/9/69.]

WAC 480-130-080 Insurance. Every warehouseman shall offer to each household goods warehouse customer, and keep records to show that such offer has been made, with premium costs to be paid by customer, insurance in accordance with the following terms and conditions:

Goods as described are insured while in storage with us and while in transit via the company trucks if within 50 miles of the warehouse.

The open policy insures (except as hereinafter provided) against risks of physical loss or damage from any external cause but warranted free of:

(1) Loss or damage occasioned by wear and tear, dampness of atmosphere, extremes of temperature, deterioration, moth, vermin, inherent vice; or damage sustained due to any processor while actually being worked upon and resulting therefrom, unless caused by fire;

(2) Loss or damage caused by: (a) Hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual, impending or expected attack, (i) by any government or sovereign power, (*de jur* or *de facto*), or by any authority maintaining or using military naval or air forces; (ii) by military, naval or air forces; or (iii) by an agent of any such government, power, authority or forces; (b) any weapon of war employing atomic fission or radioactive forces whether in time of peace or war; (c) insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority in hindering, combating, or defending against such an occurrence, seizure or destruction under quarantine of customs regulations, confiscation by order of any government or public authority, or risks of contraband or illegal transportation or trade.

Each depositor must see to it that the amount declared by him is the actual cash value of the property with the proper deductions for depreciation, however caused; and failing to do so, the amount, if any, payable to the depositor will not exceed the value declared by the depositor, as above set forth, nor the proportion that the value declared bears to the actual cash value of the property with proper deductions for depreciation, however caused.

The insurance company will not be liable beyond the actual cash value of the property at the time any loss or damage occurs and the loss or damage must be ascertained or appraised in the manner stated in the open policy, according to such actual cash value with proper deductions for depreciation, however caused, and shall in no event exceed what it would then cost to repair or replace the same with material of like kind and quality.

Otherwise subject to the terms of our open policy. [Order R-5, § 480-130-080, filed 6/6/69, effective 10/9/69.]

WAC 480-130-090 License cancelled. Failure to keep a surety bond in force and on file is cause for immediate revocation of the license, as shall be violation of outstanding orders or the rules and regulations adopted by the Commission pursuant to the authority granted by chapter 81.92 RCW, or the violation of any statutory provisions governing the operations of storage warehousemen. [Order R-5, § 480-130-090, filed 6/6/69, effective 10/9/69.]

WAC 480-130-100 License fees, term, posting, authority, fees forfeited. (1) On or before the first of July each year a license shall be procured upon the payment of a fee of twenty-five dollars ($25.00) for the first warehouse operated and five dollars ($5.00) for each additional warehouse.

(2) The license shall be posted in a conspicuous place in the office of each warehouse.

(3) The license shall show the authority for specific kinds of storage, whether it is for property classed as general merchandise or household goods or both, or whether it is limited to specific items of property.

(4) An application for license which is not completed, or upon which a hearing has been called and the applicant fails to appear, shall be dismissed. Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund. [Order R-5, § 480-130-100, filed 6/6/69, effective 10/9/69.]

WAC 480-130-110 Use of new buildings, or discontinuance. (1) No building or structure shall be used as a warehouse until it has been inspected and approved by the Commission for warehousing purposes.

(2) When a warehouseman ceases to use a building or other structure, he shall promptly notify the Commission.

(3) Prior to the discontinuance of the business of storage warehousing the warehouseman shall give to the storers of record at least sixty days' notice by registered

mail requesting instructions for disposition of the goods, and the warehouseman shall faithfully carry out these instructions. In the event that the storer fails to render instructions, the warehouseman shall make such disposition as is calculated to be in the best interest of the storer. [Order R–5, § 480–130–110, filed 6/6/69, effective 10/9/69.]

WAC 480–130–120 Transfer of ownership. When an individual or a partnership desires to transfer ownership of the storage operation before the expiration of the year for which the license was issued, the successor must first procure from the Commission a new license for the remaining portion of the year. [Order R–5, § 480–130–120, filed 6/6/69, effective 10/9/69.]

WAC 480–130–130 Accounts. (1) Warehousemen shall keep records and accounts in compliance with the rules and instructions contained in the "Uniform System of Accounts for Storage Warehouses Prescribed by the Washington Utilities and Transportation Commission — Issue of 1974".

(2) All records and papers pertaining to a customer's storage accounts shall be preserved in the warehouseman's office for a period of not less than three years after the property has been removed from storage, with the exception of warehouse receipts, which must be preserved for a period of not less than six years. [Order R–62, § 480–130–130, filed 12/19/73; Order R–5, § 480–130–130, filed 6/6/69, effective 10/9/69.]

WAC 480–130–140 Advertising. All advertising must be done in the name under which the license is issued. The use of trade names must have the approval of the Commission. [Order R–5, § 480–130–140, filed 6/6/69, effective 10/9/69.]

WAC 480–130–150 Waiver of rules. (1) Application for the waiver or modification of any of the rules and regulations of the Commission shall contain a reference to each rule on which modification or waiver is requested, and shall fully and clearly set forth the special grounds upon which such request is based.

(2) Any waiver must be by order of the Commission. [Order R–5, § 480–130–150, filed 6/6/69, effective 10/9/69.]

WAC 480–130–160 Documents——When filed. All tariffs, schedules, petitions, complaints and applications for storage license or any other matter required to be served upon or filed with the Washington Utilities and Transportation Commission shall be served or filed upon said Commission at its offices, Insurance Building, Olympia, Washington, upon the secretary of said Commission. [Order R–5, § 480–130–160, filed 6/6/69, effective 10/9/69.]

WAC 480–130–170 Conflict with tariff rules——Enforcement warehousemen's lien——Transfers of property——Affiliated interests. (1) When these rules are in conflict with any of the rules contained in the tariffs filed by the warehousemen, these rules shall prevail, and the tariffs shall promptly be amended to comply.

(2) Warehousemen's Lien: A claim for unpaid storage may be satisfied by following the provisions in RCW 22.04.340.

(3) Storage warehousemen are subject to chapter 81-.12 RCW on the transfers of property and chapter 81.16 RCW on affiliated interests, and any transaction that may come within the scope of these two laws must have Commission approval. [Order R–5, § 480–130–170, filed 6/6/69, effective 10/9/69.]

WAC 480–130–180 Rebates. In every instance where the warehouseman operating under license receives merchandise of any description or services of any nature, or other substitute of any kind from a storer in lieu of payment for full charges according to proper tariff, such offset must be immediately reported to the Commission giving full details. Any transaction of this nature resulting in actual rebate by a warehouseman to the users of his services shall be sufficient grounds for the Commission to require such warehouseman to show cause why his license should not be canceled, or the Commission may, in its discretion, impose a fine. [Order R–5, § 480–130–180, filed 6/6/69, effective 10/9/69.]

Chapter 480–140 WAC
COMMISSION GENERAL——BUDGETS

WAC

480–140–010 Definitions.
480–140–020 Who must file.
480–140–030 When to file.
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480–140–070 Emergency expenditures.
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480–140–100 Donations.
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480–140–130 Tax expenditures.
480–140–140 Affiliated interests.
480–140–150 Advertising.
480–140–160 Salaries.
480–140–170 Operations covered.
480–140–180 Additional information.

WAC 480–140–010 Definitions. (1) The term "Public Service Company" shall mean every person, firm, corporation, or association, or their lessees, trustees, or receivers, now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the Washington Utilities and Transportation Commission.

(2) The term "Commission" when used in those rules and regulations shall mean the Washington Utilities and Transportation Commission or such body as may succeed to the powers and duties now exercised by it.

(3) The term "budget" when used in these rules and regulations shall mean a financial statement prepared by each public service company showing the estimated revenues, sources and amounts of money which each public

service company shall, in its judgment, require during the ensuing year for maintenance, operations and construction classified by accounts as prescribed by the Commission. [Order R–5, § 480–140–010, filed 6/6/69, effective 10/9/69.]

WAC 480–140–020 Who must file. All public service companies shall be required to file budgets with the Washington Utilities and Transportation Commission: *Provided, however,* gas, water, telephone, telegraph, and electrical companies whose annual gross operating revenues do not exceed $25,000.00, shall not be required to file budgets. [Order R–5, § 480–140–020, filed 6/6/69, effective 10/9/69.]

WAC 480–140–030 When to file. The budget for the ensuing year shall be prepared and filed with the Commission within 10 days of the date it is approved by the company, but in no event shall it be filed later than the last day of the year preceding that for which the budget is applicable. [Order R–5, § 480–140–030, filed 6/6/69, effective 10/9/69.]

WAC 480–140–040 Preparation. Budgets shall be made in duplicate on forms furnished by the Commission. The original shall be filed with the Commission and the duplicate shall be kept by the company for its files. All entries shall be made in noncopying ink or typewriter ribbon. Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable." For the purpose of the budget report an "individual major project", as set forth on Page 14 of such budget report is defined as one exceeding $50,000 for Class A and B companies and $25,000 for Class C companies. [Order R–5, § 480–140–040, filed 6/6/69, effective 10/9/69.]

WAC 480–140–050 Approval. Failure of the Commission to object to any item of expenditure within sixty days from the filing of the original budget shall constitute authority to the public service company to proceed with the making of or contracting of such expenditures, but such authority may be terminated any time by objection made thereto by the Commission prior to the making of or contracting for such expenditure. [Order R–5, § 480–140–050, filed 6/6/69, effective 10/9/69.]

WAC 480–140–060 Supplemental change. Adjustments or additions to budget expenditures may be made from time to time during the year by filing a supplementary budget with the Commission for its investigation and approval or rejection. Failure of the Commission to object to any item of expenditure within thirty days from the filing of the supplementary budget shall constitute authority to the public service company to proceed with the making of or contracting for such expenditure, but such authority may be terminated any time by objection made thereto by the Commission prior to the making of or contracting for such expenditure. [Order R–5, § 480–140–060, filed 6/6/69, effective 10/9/69.]

WAC 480–140–070 Emergency expenditures. Any public service company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or for the immediate preservation or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefore free from the operation of this section: *Provided,* That such public service company shall, within thirty days after the happening of the emergency, report to the Commission the nature, amount and reason for expenditure. [Order R–5, § 480–140–070, filed 6/6/69, effective 10/9/69.]

WAC 480–140–080 Secrecy provision. The Commission may, in its discretion, to the extent permitted by section 31, chapter 1, Laws of 1973, upon the request of any public service company, withhold from publication, during such time as the Commission may deem advisable, any portion of any original or supplemental budget relating to proposed capital expenditures. [Order R–43, § 480–140–080, filed 4/5/73 and 4/18/73; Order R–5, § 480–140–080, filed 6/6/69, effective 10/9/69.]

WAC 480–140–090 Conformity of accounts. Unless specifically stated to the contrary, all accounts in budgets must conform with the uniform classification of accounts applicable to the size and type of utility reporting. [Order R–5, § 480–140–090, filed 6/6/69, effective 10/9/69.]

WAC 480–140–100 Donations. Budget of donations shall set forth complete detailed information showing names, addresses, and objects of all persons, companies, partnerships, corporations, or associations to whom donations are made for or on account of the company or any of its officers or employees; also the amount of each donation and the account or accounts to which charged. [Order R–5, § 480–140–100, filed 6/6/69, effective 10/9/69.]

WAC 480–140–110 Dues. Budget of dues in organizations shall set forth complete detailed information showing names and addresses and objects of all commercial and trade organizations, service clubs and other associations, clubs and organizations to which dues are to be paid by the public service company for or on account of membership therein by the company or any of its officers or employees; also the amount of dues in each case and the accounts to which charged. [Order R–5, § 480–140–110, filed 6/6/69, effective 10/9/69.]

WAC 480–140–120 Wage scales. Proposed wage scales shall be classified as to type of service performed, i.e., truck driver, lineman, inside workman, etc., showing basis of payment, i.e., "per hour" of "per day" (stating

number of hours in a day) or "per week" (stating number of hours in a week) etc., and rate of payment. [Order R–5, § 480–140–120, filed 6/6/69, effective 10/9/69.]

WAC 480–140–130 Tax expenditures. Budget of tax expenditures shall state the nature and amount of tax, explaining fully any contrary items, i.e., credit received of Federal income tax by pooling subsidiary gains and losses through holding company, also showing total amount of taxes deductible from operating income and total amount of taxes deductible from nonoperating income. [Order R–5, § 480–140–130, filed 6/6/69, effective 10/9/69.]

WAC 480–140–140 Affiliated interests. Budget of items covering contemplated payment to person or corporation having affiliated interest for services, etc., shall give complete information as to name and address of the person, company, partnership, corporation, or organization to whom it is proposed to make payment for services and shall also state the amount of payment and account or accounts to which it is to be charged. [Order R–5, § 480–140–140, filed 6/6/69, effective 10/9/69.]

WAC 480–140–150 Advertising. Budget of advertising expenditures shall give complete information as to the nature, medium, and purpose of each item of expenditure. [Order R–5, § 480–140–150, filed 6/6/69, effective 10/9/69.]

WAC 480–140–160 Salaries. Budget of salaries shall give complete information as to the name, location, title or position, total annual compensation and amount of annual compensation assigned Washington of all company officials, directors, owners or principal stock holders, who are employees, officers or executives and all managing and superintending officers irrespective of the amount of their compensation and all other employees who receive salaries of $1,000.00 per month or more for Class A companies, $800.00 per month or more for Class B companies and $600.00 per month or more for Class C companies. The budget shall state the account or accounts to which charges are to be made. If employment is to be part time, the number of hours to be devoted to the reporting company shall be stated. If the total compensation shall include house rental, utility service, board and room, bonuses or other compensation, direct or indirect, such fact shall be reported separately on the budget form under "Remarks" and giving the amount of each item. [Order R–5, § 480–140–160, filed 6/6/69, effective 10/9/69.]

WAC 480–140–170 Operations covered. Budgets, when referred to in these rules, shall cover all operations of each public service company within the State of Washington with revenues and expenses allocated to the State of Washington: *Provided, however,* That public service companies operating also in states other than State of Washington shall file with the Commission a budget of all total expenditures which affect the operations of the company within the State of Washington, classified according to the uniform classification of accounts, showing the total amount of each expenditure, the methods or bases of allocation to Washington operations and the percentages and amounts so allocated. [Order R–5, § 480–140–170, filed 6/6/69, effective 10/9/69.]

WAC 480–140–180 Additional information. The Commission may, in its discretion, require any public service company to furnish information, data or detail as to any proposed expenditure. [Order R–5, § 480–140–180, filed 6/6/69, effective 10/9/69.]

Chapter 480–143 WAC
COMMISSION GENERAL——TRANSFERS OF PROPERTY

WAC

480–143–010 Sale, lease or assignment of property.
480–143–020 Purchase of property.
480–143–030 Statement required of a nonutility.
480–143–040 Public hearing.
480–143–050 Transaction must be consistent with public interest.
480–143–060 Definition of property not necessary or useful.
480–143–070 Annual filing of property disposed of without authorization.
480–143–080 Certain telephone utility leases exempt.
480–143–990 Form of verification for application.

WAC 480–143–010 Sale, lease or assignment of property. Whenever a public service company desires to sell, lease, assign or otherwise dispose of the whole, or any part, of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, or by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities, with any other public service company within the meaning of chapter 159, Laws of 1941, such public service company shall first file with the Commission a verified application requesting the Commission to approve the transaction. Such application must state in full detail the facts and circumstances concerning the said transaction. It shall be accompanied by exhibits made a part of the verified application, containing a copy of the instruments of transfer, a financial statement of the company as of the latest possible date, a profit and loss statement for the previous year, a detailed statement of all accounts payable, notes and other liabilities and a summary of the outstanding securities. [Order R–5, § 480–143–010, filed 6/6/69, effective 10/9/69.]

WAC 480–143–020 Purchase of property. Whenever a public service company shall, in accordance with chapter 159, Laws of 1941, desire directly or indirectly to purchase, acquire or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company (except the exchange of stocks or other securities lawfully acquired previous to June 12, 1941, for a proportionate share of

other stocks or securities pursuant to a reorganization plan through foreclosure proceedings or otherwise) it shall file with the Commission a verified application so to do. Such application must state in full detail the facts and circumstances concerning the said transaction and be accompanied by exhibits made a part of the verified application, containing a copy of the instruments of transfer, a financial statement of the company as of the latest date, a profit and loss statement for the previous year, a detailed statement of all accounts payable, notes and other liabilities and a summary of outstanding securities. It shall also set forth the proposed method of financing the acquisition of such property. [Order R-5, § 480-143-020, filed 6/6/69, effective 10/9/69.]

WAC 480-143-030 Statement required of a nonutility. If at the time of the acquisition of franchises, properties or facilities of an existing public service company, the purchaser is not itself a public service company, the Commission may nevertheless, as a condition to approving the transaction, require a statement from such purchaser under oath, setting forth any changes in rates, service or equipment, resulting from the transfer which may in any way affect the public interest. [Order R-5, § 480-143-030, filed 6/6/69, effective 10/9/69.]

WAC 480-143-040 Public hearing. The Commission may in its discretion upon inspection of an application set the matter down for public hearing and require all parties to the transaction to appear and give testimony as to the same. [Order R-5, § 480-143-040, filed 6/6/69, effective 10/9/69.]

WAC 480-143-050 Transaction must be consistent with public interest. If, upon the examination of any application and accompanying exhibits, or upon a hearing concerning the same, the Commission finds that the proposed transaction is not consistent with the public interest, it shall deny the application. [Order R-5, § 480-143-050, filed 6/6/69, effective 10/9/69.]

WAC 480-143-060 Definition of property not necessary or useful. The whole or any part of the franchises properties or facilities whatsoever, of a public service company, which are necessary or useful in the performance of its duties to the public, may not be sold, leased, assigned or otherwise disposed of by a public service company without first having applied for and obtained from the Washington Utilities and Transportation Commission an order authorizing it so to do. Items which are disposed of in the course of making substitutions, or replacements with items of equal or greater value or usefulness, or in the course of disposing of surplus and unneeded stocks where full value is received, or when such items are obsolescent or for any reason deemed by the company to be unnecessary or useless in the performance of its duties to the public, or items not in actual use which are, by voluntary action or pursuant to the request or order of a federal war agency, leased, loaned, sold or otherwise disposed of to public utilities, war production plants or United States military and naval agencies in aid of the war effort, shall not be deemed to be "necessary or useful" items within the meaning of this rule. [Order R-5, § 480-143-060, filed 6/6/69, effective 10/9/69.]

WAC 480-143-070 Annual filing of property disposed of without authorization. For the purpose of giving the Commission an opportunity to review the determination, by a public service company, that any part of its franchises, properties or facilities which may have been disposed of without Commission authorization, was not necessary or useful in the performance of its duties to the public, every public service company shall, not later than March 1st of each year, file with the Washington Utilities and Transportation Commission a detailed list of all items sold, leased, assigned or otherwise disposed of during the previous calendar year without Commission authorization, and shall attach to said list an affidavit of a responsible officer of said company stating that none of said items were necessary or useful in the performance of its duties to the public and that the company received the reasonable market value of all of such items, *Provided*, That the requirements of this rule need not be complied with in respect to any item having a reasonable market value of less than $2,000.00. [Order R-5, § 480-143-070, filed 6/6/69, effective 10/9/69.]

WAC 480-143-080 Certain telephone utility leases exempt. A telephone utility may, by written agreement, lease or furnish part of its properties or facilities to another telephone utility with which it interconnects without obtaining the Commission's prior approval provided: (a) the properties or facilities are not essential to the lessor in the performance of its duties to the public in furnishing telephone service to its subscribers; (b) the properties or facilities are used for the transmission of interexchange messages between subscribers of different utilities; (c) the leasing or furnishing of the property or facilities assists in giving expeditious and economical interexchange telephone service; and (d) that a true copy of each written agreement entered into pursuant to this rule is kept on file in the headquarters office of the lessor. [Order R-5, § 480-143-080, filed 6/6/69, effective 10/9/69.]

WAC 480-143-990 Form of verification for application.

FORM OF VERIFICATION FOR APPLICATION

STATE OF WASHINGTON }
County of ---------- } ss.

----------, being first duly sworn, deposes and says that he is (Title) of (Name of applicant), 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 ----------

[Order R-5, Form (codified as 480-143-990), 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

480-146-010 Filing of application.
480-146-020 Number of copies.
480-146-030 General contents.
480-146-040 Additional information.
480-146-050 Material incorporated by reference.
480-146-060 Conditions for public hearing.
480-146-070 Procedure for merger or consolidation.
480-146-080 Form of securities application.
480-146-090 Form of affiliated interest application.
480-146-095 Form of lease application.
480-146-100 Notes with combined twelve months maturity exempt.
480-146-200 Minimum time required for commission order.
480-146-210 Supplemental filings exempt from time limitations.
480-146-220 Waiver of time limitations.

WAC 480-146-010 Filing of application. Applications may be filed at the office of the commission in Olympia, Washington, by mail or in person. Receipt of same will be acknowledged by the commission.

The requirements of the rules, regulations and forms set forth herein should be adhered to as closely as the circumstances permit. The commission will cooperate whenever possible in furnishing such information from the records on file as will assist in the preparation of any application.

Applications will be recorded by number and all additional exhibits and data thereafter filed, and correspondence in connection therewith should bear such number. [Order R-5, § 480-146-010, filed 6/6/69, effective 10/9/69.]

WAC 480-146-020 Number of copies. Applicant shall file with the commission an original application and shall furnish such additional copies as may be requested by the commission. [Order R-5, § 480-146-020, filed 6/6/69, effective 10/9/69.]

WAC 480-146-030 General contents. Each application shall set forth and state fully the facts upon which the application is based and shall be signed by the applicant, or applicant's attorney, dated and duly verified. [Order R-5, § 480-146-030, filed 6/6/69, effective 10/9/69.]

WAC 480-146-040 Additional information. The commission may at its discretion require pertinent data and information from the applicant in addition to that particularly specified by statute or in these rules and regulations. [Order R-5, § 480-146-040, filed 6/6/69, effective 10/9/69.]

WAC 480-146-050 Material incorporated by reference. Where any documents, data or information required to be filed under these rules and regulations are on file with the commission in connection with other proceedings, in reports or otherwise, it shall be sufficient if the application shall so state and make specific reference to said proceedings, reports or other filing. Where any exhibits herein specified do not apply to the authority requested, so indicate and state the reason. In the event any of the required exhibits or portions thereof cannot be supplied at the time the application is filed, state the circumstances with respect thereto and indicate when such may be available. [Order R-5, § 480-146-050, filed 6/6/69, effective 10/9/69.]

WAC 480-146-060 Conditions for public hearing. Upon the filing of any application the same shall be acted upon as promptly as possible. Such application may be considered without a hearing, or, if the commission deems it advisable, a hearing may be held thereon upon such notice as the commission may provide and at such hearing witnesses may be subpoenaed and shall be sworn and such hearing conducted in the same manner as other hearings before the commission. [Order R-5, § 480-146-060, filed 6/6/69, effective 10/9/69.]

WAC 480-146-070 Procedure for merger or consolidation. If the securities are to be issued by a corporation to be formed by the merger or consolidation of two or more corporations, the application shall contain the general information and exhibits as required by the form of application hereinafter set forth under WAC 480-146-080, for each of the corporations to be so merged or consolidated. [Order R-5, § 480-146-070, filed 6/6/69, effective 10/9/69.]

WAC 480-146-080 Form of securities application. Applications for authority to issue securities, create liens on property, or assume or guarantee securities as liens, pursuant to the provisions of chapter 151, Laws of 1933, as amended, 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 (here insert desired authorization or permission, thus: "AUTHORIZING THE ISSUANCE OF STOCKS OR BONDS: as the case may be)	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 (here insert, "the issuance of securities, the creating of liens, the assumption of obligations or liabilities," as the case may be) pursuant to the provisions of chapter 151, Laws of 1933, as amended. The following general information and specific exhibits are furnished in support thereof:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent if application is submitted by such in behalf of applicant.
4. State or states under which applicant is organized and form of organization (corporation, partnership, association, firm, individual, et cetera). Date of organization and term or duration thereof.
5. A general description of the property owned by applicant and the field of its operations.
6. If a corporation, the names and addresses of the ten common stockholders of applicant owning the greatest number of shares of common stock and the number of such shares owned by each; also the names and addresses of the ten preferred stockholders of applicant owning the greatest number of shares of preferred stock and the number of such shares owned by each, as follows:

Name and Address _____
Shares owned
Common _____
Preferred _____
Percentage of all Shares Issued & Outstanding
Common _____
Preferred _____
Percentage of Voting Control _____

7. Names and address of the officers and directors of applicant.
8. Name and address of any affiliated interest (See chapter 152, Laws of 1933 for definition of "affiliated interest"), corporation, association or similar organization which holds control over applicant, and the manner and extent of such control. The amount of each class of securities of applicant owned by such affiliated interest, to best of applicant's knowledge.
9. Names and addresses of subsidiary companies, when and where incorporated, classes of stock, shares outstanding, shares owned or controlled by applicant and percentage of voting control represented thereby.

EXHIBIT "A"

A true copy of the Articles of Incorporation of applicant and all amendments thereto, where applicant is a corporation.

A true copy of the partnership or operating agreement, including the names of all interested parties, where applicant is a partnership, firm, association, etc.

EXHIBIT "B"

Capital Stock Structure

Par Value _____
Shares Authorized _____
Shares Issued and Outstanding _____
Shares Reacquired and held in Treasury Uncancelled _____

Preferred
Common
Other Evidence
of Interest or
Ownership

(a) State terms of preferred stock, namely:
1. Cumulative or participating.
2. Voting rights.
3. Redemption provisions
4. Record of dividend payments during the previous five years.
5. If cumulative, state amount of cumulated dividends, if any.

(b) Common stock:
1. Record of dividend payments during the previous five years.
2. Show all entries made to common stock account from sources other than cash received therefor, and the date of such entries.

(c) If capitalization consists of evidence of interest or ownership other than stock, describe the same fully.

(d) State in general terms, in the light of the provisions of chapter 151, Laws of 1933, the purpose or purposes for which each class of stock or other evidence of interest or ownership was issued.

EXHIBIT "C"

A brief description of each mortgage upon any of the property of applicant, as follows:
1. Date of execution.
2. Name of mortgagor.
3. Name of mortgagee or trustee.
4. Amount of indebtedness authorized to be secured thereby.
5. Amount of indebtedness actually secured.
6. Sinking fund provisions.
7. Redemption provisions.
8. Brief description of the mortgaged property, if other than the entire property described under Item 5 of General Information.

EXHIBIT "D"

Long term indebtedness of applicant comprising bonds, debentures, notes or other evidences of indebtedness: (Describe separately if more than one issue).
1. Title of issue.
2. Date of issue.
3. Maturity date.

4. Interest rate.
5. Interest payment dates.
6. Amount of interest paid thereon during last fiscal year.
7. Date to which interest was last paid.
8. Principal amount authorized.
9. Principal amount outstanding.
10. Principal amount held in treasury.
11. Principal amount in sinking fund or other funds.
12. Principal amount outstanding per balance sheet.
13. Principal amount held by affiliated interests, if known. (See section 1, chapter 152, Laws of 1933 for definition of "affiliated interests")
14. Describe method of operation of sinking fund.
15. Amount of unamortized discount and expense.
16. If convertible, describe conversion privileges fully.
17. If callable, describe call provisions.
18. How is issue secured.
19. If a note or other evidence of indebtedness other than bonds or debentures, give name of payee or present owner.
20. State, in general terms, the purpose for which the securities were issued.

EXHIBIT "E"

Open account advances or loans from and to affiliated interests: (See section 1, chapter 152, Laws of 1933, for definition of "affiliated interests.")

1. Name of affiliated interest.
2. Purpose for which advances or loans were made.
3. Interest provision.
4. Terms of settlement.
5. Amount of interest paid on such open account during the last fiscal year.
6. Date to which such interest was paid.

EXHIBIT "F"

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 issuance of the securities which it is proposed to issue. 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 "F-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 "F", or, if more readily available, for the period since the close of the preceding calendar year.

(b) Reconcilement of surplus account for the period covered by the income and profit and loss statement. Earned surplus should be segregated from other surplus accounts.

EXHIBIT "G"

Description of, and data relating to, proposed securities:

1. The amount and kind of stock or other evidence of interest or ownership which it is desired to issue.
2. If preferred, the nature and extent of the preference, voting rights, redemption provisions, etc.
3. The amount of bonds, notes and other evidence of indebtedness which the applicant desires to issue.
4. The date of issue.
5. The term in years.
6. The rate of interest.
7. Whether and how to be secured.
8. Sinking fund or amortization provisions.
9. If to be secured by a mortgage or pledge, the terms thereof, unless copy of the instrument is submitted with the application.
10. The lowest price at which it is proposed to sell the securities, and the terms of the sale.
11. A true copy of all underwriting or purchase agreements pertaining to the sale of the proposed securities, if available, otherwise an outline of the terms and provisions of such contemplated agreement.
12. A statement showing the names and addresses of all other prospective underwriters or purchasers with whom applicant has negotiated for the underwriting or sale of the proposed securities, and the reasons for favoring the offer or offers which it is proposed to accept.
13. The lowest price at which it is proposed to offer the securities to the public.
14. Underwriting discount, commission, or finder's fee to be paid.
15. Estimated miscellaneous incidental expenses in detail.
16. Estimated net proceeds.
17. A specimen copy of the proposed stock certificate or certificates or other evidence of interest or ownership and/or of the proposed bonds, notes or other evidences of indebtedness, if available.
18. A preliminary draft or a true copy of the proposed mortgage trust deed, escrow agreement, pledge agreement or other document, which is to be used to secure the proposed issue, if available when application is submitted.
19. A certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the issuance of the proposed securities.

EXHIBIT "H"

Statement of the purpose or purposes for which the capital to be obtained by the issue of such stock, bonds, notes or other evidence of interest or ownership, or indebtedness is to be used, and showing the amount to be used severally for the following purposes:

1. Acquisition of property.
2. Construction, completion, extension or improvement of facilities.
3. Improvement or maintenance of service.
4. Discharge or lawful refunding of obligations.
5. The reimbursement of moneys actually expended from income or from any other moneys in the treasury as provided by section 3, chapter 151, Laws of 1933, as amended.

EXHIBIT "I"

If it is proposed to acquire property, submit hereunder:

(a) If property to be acquired is an operating utility system or unit thereof:

1. A description of the property which is to be acquired.
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. Proposed purchase price and terms of purchase.

(b) If property to be acquired is of another type:

1. A description of the property which is to be acquired.
2. Proposed purchase price and terms of purchase.

EXHIBIT "J"

If it is proposed to construct, complete, extend or improve facilities, submit hereunder an outline of general plans and estimates thereof in such detail as is available at the time the application is submitted. Estimates should be arranged, if possible, according to the applicable Uniform Classification of Accounts prescribed by the commission.

EXHIBIT "K"

If it is proposed to improve or maintain service, submit a statement of the reasons why the service should be improved or maintained from capital and show the estimated cost of the undertaking in reasonable detail.

EXHIBIT "L"

If it is proposed to discharge or refund obligations, submit the following information hereunder:

1. The nature and description of such obligations, including the par or stated value thereof, the amount of call premium and the plan for disposing of the same.
2. The amount for which they were originally sold, the net amount of such sale price received by the company, and the general purposes for which the proceeds were used.
3. The amount of unamortized discount and expense and the plan for disposition thereof.

If such obligations consist of or include promissory notes, show the date, amount, term, rate of interest and payee of each note.

If it is proposed to reimburse the treasury for moneys actually expended from income or from any other moneys in the treasury as provided by section 3, chapter 151, Laws of 1933, as amended, state the general purpose or purposes for which such moneys were expended.

EXHIBIT "M"

It [If] it is proposed to assume any obligation or liability as guarantor, indorser, surety or otherwise in respect to securities of others, submit hereunder:

1. The reasons in detail why the applicant desires to assume or guarantee such securities.
2. The amount of other securities of said person, firm or corporation now held, owned or controlled by the applicant.
3. The present market value of the securities to be assumed or guaranteed, and where listed or quoted.
4. A certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed assumption or guarantee of said securities.

EXHIBIT "N"

If such securities are to be issued as a result of a reorganization or merger, submit a copy of the proposed reorganization or merger plan or agreement.

EXHIBIT "O"

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 151, Laws of 1933, as amended.

DATED at _____ this _____ day of _____ 19__

_____
(Applicant)

By _____
Title _____

STATE OF WASHINGTON }
County of _____ } SS.

_____, being first duly sworn, deposes and says that he is (Title) of (name of applicant), 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 _____

[Order R-5, § 480-146-080, filed 6/6/69, effective 10/9/69.]

WAC 480-146-090 Form of affiliated interest application. Applications for approval of contracts or arrangements with affiliated interests pursuant to the provisions of chapter 152, Laws of 1933, shall be submitted in the following form with such modification 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 (here insert the desired approval or authorization, thus: "APPROVING A CONTRACT FOR SERVICES, ACQUISITION OF PROPERTY, etc."	No. _____ (Number to be inserted by Secretary of the commission)

Application is hereby made to the Washington Utilities and Transportation Commission for an order (here insert the desired approval or authorization) pursuant to the provisions of chapter 152, Laws of 1933. The following general information and specific exhibits are furnished in support thereof:

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 verified copy of the proposed contract, agreement, or arrangement. If unwritten, submit a summary of the provisions of any such unwritten contract, agreement or arrangement.

EXHIBIT "B"

A list of all officers and directors of the affiliated interest who are also officers and/or directors of the applicant.

EXHIBIT "C"

If contract or arrangement is for the furnishing of management, supervisory construction, engineering, accounting, legal, financial, or similar services, show hereunder:

1. The salaries paid by the affiliated interest to:
   (a) Each of its officers receiving the three highest aggregate amounts of remuneration.
   (b) All other officers of the affiliated interest, whatever the amount of the respective remuneration of each, in the aggregate, indicating the number of such officers without naming them.
   (c) All employees of the affiliated interest, who, respectively, received remuneration from the affiliated interest in excess of $20,000 during the past fiscal year, indicating the number of such employees without naming them.
2. Statement for the most recent fiscal year of:
   (a) The cost of operation of the affiliated interest.
   (b) The method of determining the costs applicable to the applicant.
   (c) The basis of charges for the service to be rendered.
3. The estimated amount to be paid annually for such services and the accounts to which such payments are to be charged upon applicant's books.
4. Whether the services to be rendered are to supplement or supplant similar rendered by officers and/or employees of applicant.
5. That the services to be rendered by the affiliated interest are desired by applicant, and will be beneficial in the rendering of service to the public; that no payments will be made pursuant to any such contracts or arrangement unless such services are actually rendered and a full account thereof will be reflected upon applicant's books and records.
6. Attach a certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed contract or arrangement.

EXHIBIT "D"

If contract or arrangement is for the purchase, sale, lease, or exchange of any property, right or thing; or for the furnishing of any service, property, right or thing, other than those enumerated under EXHIBIT "C", show hereunder:

1. A general description of the property, right or thing to be purchased, sold, leased, or exchanged, the value thereof, the method followed in determining such value; if an operating property, the historical or original cost thereof, the related accrued depreciation therein (estimated in both cases if not known), the amount of contributions in aid of construction, and the consideration to be paid under the proposed contract or arrangement.

   (In case application has been or is being made for authority to issue securities for the purpose of purchasing property under the contract or arrangement herein referred to, reference may be made to such application

wherein the above information is furnished, in lieu of furnishing said or similar information herein.)

2. The basis to be used in making charges against applicant and reflecting of liabilities by applicant in connection with the said contract or arrangement.
3. The reasons why applicant desires to enter into the proposed contract or arrangement.
4. Attach a certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed contract or arrangement.

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 152, Laws of 1933.

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 (Name of applicant) 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 ----------

[Order R-5, § 480-146-090, filed 6/6/69, effective 10/9/69.]

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) Reconcilement 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.]

WAC 480-146-100 Notes with combined twelve months maturity exempt. Pursuant to the provisions of RCW 80.08.060 and RCW 81.08.060, in the event a public service company issued its note for a proper purpose and not in violation of the provisions of said enactments or any other act, payable at a period of not more than twelve months after the date of issuance of the same, the Washington Utilities and Transportation Commission hereby gives its consent to the renewal or refunding of such note by means of another note or notes, without application having first been made to the commission: *Provided*, That the combined terms of the original note and the renewal or refunding note or notes shall not exceed the period of twelve months. [Order R-5, § 480-146-100, filed 6/6/69, effective 10/9/69.]

WAC 480-146-200 Minimum time required for commission order. Except as provided in WAC 480-146-210 and 480-146-220, every formal application made to the commission by public service companies, under the provisions of chapters 80.08 and 81.08 RCW, shall henceforth be filed with the commission at least 15 working days prior to the date when an order of the commission is desired by the applicant in the proceeding. Said period of 15 working days shall begin as of the date when the applicant has completed the filing of all the information and exhibits required by the commission's rules and regulations relating to such formal applications. [Order R-5, § 480-146-200, filed 6/6/69, effective 10/9/69.]

WAC 480-146-210 Supplemental filings exempt from time limitations. WAC 480-146-200 shall apply to all supplemental applications except those which are filed (1) to comply with the provisions of a previous order of the commission, or (2) to obtain authority to modify the terms and conditions under which a previous order of the commission was entered, or (3) to request that technical flaws of a previous order be corrected. [Order R-5, § 480-146-210, filed 6/6/69, effective 10/9/69.]

WAC 480-146-220 Waiver of time limitations. The commission may, in its discretion, waive the provisions of WAC 480-146-220 when required by a genuine emergency. Applicants desiring such a waiver may be required to submit a written statement clearly indicating the nature of the emergency, the reason why emergency relief is needed and the nature and extent of any hardships that may be suffered in the event an order of the commission is not entered on or before a designated date. [Order R-5, § 480-146-220, filed 6/6/69, effective 10/9/69.]

Chapter 480-149 WAC
TARIFF CIRCULAR NO. 6

WAC

480-149-010 Form and size of tariffs.
480-149-020 Changes to be indicated.
480-149-030 Title page to all tariffs.
480-149-040 General rules.
480-149-050 Freight tariffs.
480-149-060 Passenger tariffs.
480-149-070 Excursion and temporarily reduced one-way tariffs.
480-149-080 Storage warehouse tariffs.
480-149-090 Tariffs of "wharfingers or warehousemen".
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WAC 480-149-010 Form and size of tariffs. (1) All tariffs and supplements thereto must be in book, pamphlet or loose leaf form and printed or typed on hard

calendered paper with not smaller than 8 point type, except that 6 point bold face type may be used for reference marks and except as provided in WAC 480-149-030(1)(b).

(2) The size must be 8 by 11 inches or 8-1/2 by 11 inches except railroad local passenger tariffs which may be 4 by 9 inches.

(3) A margin of not less than five-eighths of an inch must be left for binding. [Order R-16, § 480-149-010, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-020 Changes to be indicated. (1) All printed or typewritten tariffs and supplements must indicate all changes in rates, fares, charges, rules, regulations or classifications by use of the following symbols in connection with such changes:

(illus.) or (R) to denote reductions
(illus.) or (A) to denote increases
(illus.) or (C) to denote changes in wording which result in neither reductions nor increases in charges.

(2) Explanations of all symbols used must be provided in the tariff or supplement in which used and the symbols designated in subsection (1) must not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates, fares or charges in a tariff or supplement or a page thereof, that fact and the nature of such changes may be indicated in distinctive type at the top of the title page of such issue or at the top of each page respectively in the following manner "All rates, fares or charges in this issue are increases," or "All rates, fares or charges on this page are reductions except as otherwise provided in connection with the rates, fares or charges." Under this paragraph of the rule a bold face dot, "(illus.)," must be used to symbolize a rate, fare or charge in which no change has been made. This symbol must not be used for any other purpose.

(4) When a tariff or supplement canceling a previous issue omits points of origin or destination, rates, fares, charges, rules, regulations or routes which were contained in such previous issue, the new tariff or supplement shall indicate the omissions and if such omissions effect changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in subsection (1) of this rule. [Order R-16, § 480-149-020, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-030 Title page to all tariffs. (1) The title page of every tariff or supplement must show not less than 30 days' notice, or bear plain notation to the number and date of the permission or rule or decision of the Commission under which it is effective on less than such statutory notice. The title page of every tariff, and the title page of every supplement shall show at least the following:

(a) Name of company issuing tariff and the number of its certificate, permit or license, if any, as the case may be; or name of bureau or agency filing tariff under powers of attorney.

(b) An identifying tariff number; also supplement number if the filing is a supplement. If tariffs or supplements are canceled thereby the numbers of such tariffs or supplements shall be named. If the number of canceled publications is so large as to render it impracticable to thus enter them on the title page they must be shown immediately following the table of contents provided specific reference thereto is entered on title page directly under the tariff or supplement number.

(c) Type of service covered by the tariff.

(d) The territory from and to which the tariff or supplement applies or location of dock or warehouse.

(e) On tariffs which have interstate application, a clear statement indicating the Washington intrastate application or nonapplication of the tariff, or reference to a page or item where such statement will be found.

(f) Reference by name and number to the classification, exceptions thereto and rules circulars, if any, governing the tariff or supplement. In the alternative reference may be shown on the title page to an item or page of the tariff where governing publications are named. A tariff is not governed by a classification, classification exceptions or rules circular except when and to what extent stated on or in the tariff.

(g) Date of issue and date effective. When a tariff or supplement is made to expire on a given date the term "Expires on (date) unless sooner canceled, changed or extended," must be used.

(h) On every tariff or supplement in which the rates, fares, charges, rules or regulations are made effective on less than statutory notice the notation "Issued on less than statutory notice under authority of (show authority) " must be shown.

(i) Name, title and street address of tariff publishing officer by whom the tariff or supplement is issued. [Order R-16, § 480-149-030, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-040 General rules. (1) When a tariff or item in a tariff gives reference to another tariff, full number reference to such tariff must be given unless otherwise specifically authorized by the Commission.

(2) If a tariff carries joint rates or rates applying over more than one road, local routing and junctions must be given.

(3) All basing or proportional rates must clearly specify the extent and manner of their use.

(4)(a) All tariffs of transportation companies, except water transportation companies, must carry a rule providing for intermediate application which must apply except where a waiver of the long and short haul statute (Sec. 81.28.200, RCW) is specifically authorized by the Commission.

(b) When the Commission has issued an order granting to a carrier authority to depart from the provisions

of the "long and short haul statute," each tariff or supplement issued and filed under such authority must bear a notation to the following effect:

(i) "This tariff (or supplement) contains rates that are higher for shorter than longer distances over the same route. Such departure from the terms of Sec. 81.28.200, RCW, is permitted by authority of W.U.T.C. order (or orders), as indicated in individual items of this tariff (or supplement)."

(5) All tariffs of transportation companies shall contain a clause protecting the combination of local rates where such combinations are lower than the through tariff rates, and shall authorize the application of such lower rates. [Order R-16, § 480-149-040, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-050 Freight tariffs. Freight tariffs shall contain: (1) Table of Contents (unless otherwise specifically authorized by the Commission). A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that it plainly discloses its contents, the table of contents may be omitted.

(2) A list, alphabetically arranged, of the names of all carriers participating in the tariff. If there be not more than 10 participating carriers, their names may be shown on the title page. Each carrier or agent which issues a joint tariff shall file with the Commission an informal list or schedule of powers of attorney or concurrences; or in the alternative may show the powers of attorney or concurrence numbers in connection with the list of participating carriers in the tariff.

(3) A complete index alphabetically arranged of all articles upon which commodity rates or exceptions to the governing classification are named together with reference to each item or page where such article is shown. If all of the commodity rates to each destination in a general commodity or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from the tariff.

(4) An alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which all rates apply except where all or substantially all rates apply in both directions the points of origin and destination may be shown in one index. Such index or indexes must show the item, page or index numbers from or to which rates apply. If there be not more than 12 points of origin or 12 points of destination, the name of each if practicable may be shown on the title page. If the points of origin or of destination are shown alphabetically arranged or are shown by groups alphabetically arranged, no index is required.

(5) List of exceptions, if any, to the classification, or reference to a classification exception tariff or tariffs governing the tariff.

(6) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff may be necessary to remove all doubt as to their proper application.

(7) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with, and on the same page with, such rates. Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual carrier or by an agent, providing that reference is made to such tariffs on the title page.

(8)(a) An explicit statement of the rates, in cents or in dollars and cents per pound, per 100 pounds, per barrel or other package, per ton, or per car, or other unit, together with the names or designations of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights or other units must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified as "gross ton" or "long ton" or a "ton of 2,240 pounds." A ton measurement must be specified as "ton of 40 cubic feet." Complicated or ambiguous terms must be avoided. Insofar as possible such rates should be assigned an identifying number to facilitate reference thereto. If all rates are stated in the same unit that fact may be indicated on the title page immediately in connection with the application of the tariff.

(b) When articles are made subject to percentages of class rates the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference may be made to an appropriate table published in the tariff containing the class rates. Unless this is done specific commodity rates must be published.

(c) A commodity item may provide rates on a number of items by the use of generic heading without naming such articles, providing such commodity item contains reference to an item in the tariff which contains a complete list of such articles, or contains reference to the number of a separate tariff containing such a list of articles. Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic heading is shown in the item, tariff or classification so referred to.

(9) The different routes via which rate applies must be shown. When a tariff specifies routing, the rates may not be applied via routes not specified.

(10) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(11) The above rules are in addition to the general rules of this circular insofar as they apply to freight operations. [Order R-16, § 480-149-050, filed 2/3/70;

Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-060 Passenger tariffs. Passenger tariffs shall contain: (1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies, must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations. [Order R-16, § 480-149-060, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-070 Excursion and temporarily reduced one-way tariffs. (1) Round trip excursion fares limited to a designated period of not more than thirty days may be established, without further notice, upon posting a tariff for the information of the public one day in advance at each point where such excursion tickets are sold, and filing one copy thereof one day in advance with the Commission.

(2) Round trip excursion tariffs covering a period exceeding thirty days will require full thirty days' notice to the public and to the Commission, unless in special cases shorter time is authorized.

(3) The term "Limited to a designated period" used above is construed to cover the period between the date on which the transportation can first be used and the last date upon which tickets sold under such tariff will be honored for return passage.

(4) Tariffs covering temporarily reduced one-way fares may not be issued except upon special permission from the Commission.

(5) Round trip party excursion tariffs shall provide as follows: "Unused tickets may be redeemed only on the basis of a minimum payment for the tickets used."

(6) The above rules are in addition to WAC 480-149-060 and in addition to the general rules of this circular insofar as they apply to passenger excursion operations. [Order R-16, § 480-149-070, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-080 Storage warehouse tariffs. Storage warehouse tariffs shall contain: (1) Table of Contents: A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that it plainly discloses its contents, the table of contents may be omitted.

(2) List of parties participating when tariff is issued by a publishing agent or where tariff contains rates, rules, or regulations of more than one warehouseman showing the power of attorney or concurrence numbers. If there be not more than ten parties participating their names and power of attorney or concurrence numbers may be shown on the title page.

(3) A complete index alphabetically arranged of all articles upon which rates are named together with reference to each item or page where such article is shown. If all rated commodities are alphabetically arranged no index is required.

(4) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(5) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with and on same page with such rates. Where it is not desirable or practical to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual or by an agent provided that reference is made to such tariffs on the title page.

(6) Rates covering all services to be rendered in clear and explicit terms.

(7) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to warehouse operation. [Order R-16, § 480-149-080, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-090 Tariffs of "wharfingers or warehousemen". Tariffs of "wharfingers or warehousemen" shall contain: (1) Table of Contents: A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter than it plainly discloses its contents, the table of contents may be omitted.

(2) List of parties participating when tariff is issued by a publishing agent or where tariff contains rates, rules, or regulations of more than one wharf or dock showing the power of attorney or concurrence numbers. If there be not more than ten parties participating, their names and power of attorney or concurrence numbers may be shown on the title page.

(3) A complete index of all articles alphabetically arranged upon which rates are named together with reference to each item or page where such article is shown. If articles are arranged in alphabetical order in the tariff, the index may be omitted.

(4) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(5) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with and on same page with such rates. Where it is not desirable or practical to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual or by an agent provided that reference is made to such tariffs on the title page.

(6) An explicit statement of the rates in cents or in dollars and cents per 100 pounds, per package, per ton of 2,000 pounds, per ton of 2,240 pounds of per cubic foot as the case may be and whether they apply per day, per month or other unit.

(7) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to public wharf or dock operations. [Order R-16, § 480-149-090, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-100 Transfer of rates or fares from one tariff to another. (1) If a tariff or supplement to a tariff or a revised page is issued which is to displace a part of another tariff which is in force at the time and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement or revised page which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date. Such reissue, supplement or revised page must state where rates or fares will thereafter be found and must be filed at the same time and in connection with the tariff, supplement or revised page which contains the new rates or fares.

(2) When a tariff is canceled by the issuance of another tariff to take its place, cancellation notice must be given by notice in the new tariff as provided in subdivision (1)(b) of WAC 480-149-030.

(3) An agent who acts under authority of power of attorney is fully authorized to act for the principals that have named him their agent and attorney, and therefore when an agent publishes rates or fares in his tariffs which are to displace the rates or fares in his principal's tariff, the agent must cancel the rates or fares in his principal's tariffs as per subsection (1) of this rule.

(4) A carrier must not publish in its individual tariff rates or fares which are to displace the rates or fares published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates or fares in his tariff effective on the same date, as per subsection (1) of this rule.

(5) When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the rates or fares will thereafter be found or what rates or fares will thereafter apply. When a tariff is canceled by another tariff which does not contain all the rates or fares shown in the tariff to be canceled, the canceling tariff must show where rates or fares not shown therein will thereafter be found or what rates or fares will thereafter apply.

(6) When portions of a tariff or of a supplement to a tariff, are designated as items they must be given numbers; and the cancellation of an item by supplement must be under the same item number with a letter suffix in alphabetical sequence. If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates or fares are to be found. If an item is withdrawn in its entirety or expires by its own terms, leaving no rates or fares or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item. When withdrawing a rule or item designated by an item number, the canceled matter need not be reproduced in connection with the item effecting the cancellation, except to the extent necessary to identify the item. [Order R-16, § 480-149-100, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-110 Amendments and supplements. (1) A change in or addition to a tariff shall be known as an amendment, and excepting amendments to tariffs of less than three pages, and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) No supplement shall be issued on tariffs containing less than three pages or to tariffs in loose-leaf form except for the purpose of canceling the tariff or unless specifically authorized by the Commission.

(3) Tariffs issued in loose-leaf form can only be amended by issuing revised pages to the tariff except as provided in subsection (2) of this rule. A revised page must carry the same page number as is carried by the page which it cancels. For example, 1st Revised Page 1 cancels Original Page 1.

(4) When a participating party is eliminated by supplement or revised page, such supplement or revised page must also provide for cancellation of rates or fares in connection with that party.

(5)(a) Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariffs which it cancels and shall also show what supplements contain actual changes from the rates, fares, rules or regulations in the original tariff.

(b) Purely intrastate supplements to a tariff having interstate application may be assigned the number of the last interstate supplement with capital letters of the alphabet (used consecutively) added, such as "23A", except that if any intrastate supplements are issued prior to Supplement No. 1, such intrastate supplements will be identified with capital letters of the alphabet used consecutively, such as "A", "B", etc.

(6) Except as provided in subsections (9), (10) and (11) of this rule, the following is the number of effective supplements permitted to any tariff:

2 pages and less	No supplements.
3 to 16 pages, inclusive	1 supplement.
17 to 80 pages, inclusive	2 supplements, and 1 additional supplement of not to exceed 4 pages.
81 to 200 pages, inclusive	3 supplements, and 1 additional supplement of not to exceed 4 pages.
201 pages and more	4 supplements and 1 additional supplement of not to exceed 4 pages.

In addition to the above, not to exceed 2 purely intrastate supplements may be in effect to tariffs which have interstate application.

In connection with the number of supplements issued as exceptions to the rule, reference marks must be used and explained on title pages to indicate the nature of the supplements filed under such authority. The reference marks and explanations must also be shown on every subsequent supplement showing that such supplements are still effective. The term "cancels conflicting portions" must not be used but cancellations must be specific.

(7) Every publication which contains rates, fares, rules, or regulations effective upon a date different from the general effective date of such publication must show on its title page the following notation:

"Effective _____, 19__ (except as otherwise provided herein)" or "except as provided in (item or page)."

(8) Matter brought forward without change from one supplement to another must be designated "Reissued" and must show the number of the supplement from which it was reissued.

(9) When the name of a company is changed, or when its operating control is transferred to another, the company which will thereafter operate the properties shall file and post new tariffs in the name of the new company; except that where the company name remains unchanged or where tariffs consist of 5 or more pages, or where three or more tariffs are involved, or where there are powers of attorney or concurrences outstanding, an adoption notice, given a "tariff" number may be filed, reading as follows:

Tariff No. _____

(Insert here name of new company)

ADOPTION OF TARIFFS, CONCURRENCES, DIVISIONS, ETC. OF THE

(Insert here name of old company)

BY THE

(Insert here name of new company)

The _____ hereby adopts,
(Name of new company)
ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Washington Utilities and Transportation Commission by the

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(Insert here name of old company)

prior to _____ the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

ISSUED: _____
(Insert date here)

EFFECTIVE: _____
(Insert date here)

ISSUED BY: _____
(insert here name of traffic official)

_____
(Insert here address)

In addition to the above adoption notice the new company shall immediately file a supplement to each of the tariffs covered by the adoption notice, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the (Name of new company) as per its adoption notice No. _____

Such supplements issued under authority of this rule must contain no other matter, must bear reference to this rule and must be designated by a reference mark as provided in subsection (6) of this rule.

Similar adoption notice must immediately be filed by a receiver, when he assumes possession and control of a company.

Except where concurrences and powers of attorney are filed with the Interstate Commerce Commission, concurrences and powers of attorney adopted by a company or receiver must within 120 days be replaced and superseded by new concurrences and powers of attorney issued and numbered in the series of the new company or receiver. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in WAC 480-149-150.

(10)(a) Upon receipt of an order of suspension of any tariff publication or portion thereof, the carrier or agent who filed such publication shall immediately file with the Commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the Commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the Commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the _____ period prescribed in the Commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the Commission's order the date must be specified), except by order or special permission of the Commission.

(b) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the Commission's order, and if prior to the expiration of that order the Commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, on the authority of this permission, issue a supplement effecting such further deferment. Also, after the expiration of the period prescribed by the Commission's order, the carrier or publishing agent may, when requested by the Commission and on the authority of this permission, issue a supplement further postponing the effective date of the suspended matter. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the Commission has been voluntarily postponed, beyond the term of the Commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the Commission's suspension order, except by order or special permission of the Commission.

(c) When the Commission suspends an entire supplement to a tariff, or portions of a tariff or of a supplement to a tariff, the Commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain is not waived, except that a supplement containing suspended matter will not be counted against the number of effective supplements, or the volume of supplemental matter permitted to such tariff under subsection (6) of WAC 480-149-110 provided all matter in such supplement, except the suspended portions thereof, are reissued in or specifically canceled by a subsequent supplement.

(d) When a tariff, any portion of which is under suspension, is canceled the new tariff may either:

(i) Cancel the previous tariff "except portions under suspension in Cause No. _____, viz. (Identifying the suspended portion by item and page number)," or

(ii) Cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely deferred the new tariff must state that fact by appropriate language.

(iii) When a supplement which is suspended in part is reissued, such reissue shall cancel the supplement containing the suspended matter except portions under suspension in Cause No. _____.

(e) A suspended rate, charge, classification, regulation, or practice may not be changed or withdrawn except by order or special permission of the Commission, nor may any change be made in a rate, charge, classification, rule, regulation, or practice which is contained in effect as a result of such suspension except under order or special permission of the Commission.

(f) When the Commission vacates an order of suspension as of a date earlier than the date to which suspended, or when the responsible carrier or agent has deferred the effective date of the suspended matter under authority of this permission and the Commission, after the expiration of its order of suspension, finds the suspended matter justified, the responsible carrier or agent may file with the Commission on one day's notice, unless otherwise directed by the Commission, a supplement stating the date upon which the suspended matter will become effective.

(g) Every suspension, vacating and cancellation supplement issued under authority of this rule must bear on its title page the following notation: "Issued under authority of WAC 480-149-110(10). Tariff Circular 6, and in compliance with Order No. _____ of the

Washington Utilities and Transportation Commission of (date)."

Such supplements will not be counted against the number of effective supplements permitted under subsection (6) of this rule. All such supplements must be given the same general distribution as the tariff or supplement affected.

(11) Except as to loose-leaf tariffs and tariffs containing less than three pages one additional supplement may be issued to any tariff in excess of the number allowed by WAC 480-149-110(6) for the purpose of establishing rates, fares, classifications, rules, or regulations in compliance with a decision or order of the Commission in a formal case. Only one such supplement may be in effect at any one time and it shall bear on its title page the following notation in addition to showing reference to the opinion or order:

"This supplement is issued under authority of WAC 480-149-110(11) of Tariff Circular 6 and will be included in and canceled by the next regular supplement filed to this tariff." [Order R-16, § 480-149-110, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-120 Notice required. (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.]

WAC 480-149-130 Method of filing. (1) All tariffs, supplements or revised pages must be delivered to the Commission free from all charges.

(2) Each company or agent must file tariffs under serial numbers of its own.

(3)(a) Copies of each tariff, supplement, revised page or other schedule shall be included in one package and under one letter of transmittal.

(b) Letters of transmittal may be in duplicate. In that event one copy will stamped with the date received by the Commission and returned to the sender as a receipt for the publication.

(c) Tariffs mailed for filing must be addressed: Washington Utilities and Transportation Commission, Olympia, Washington.

(4) Tariffs, supplements or revised pages which are received for filing too late to give the Commission the required notice are subject to rejection and return. The filing date will be considered the actual date the publication is received by the Commission at its office in Olympia except as provided in WAC 480-149-120(1). No consideration will be given to delays in transmittal.

(5) When a tariff publication is rejected by the Commission the number which it bears must not again be used. The publication which is issued in lieu of such rejected publication must bear the notation "Issued in lieu of _____ rejected by the Washington Utilities and Transportation Commission." [Order R-16, § 480-149-130, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-140 Rates prescribed by the Commission. (1) Rates, fares, rules or regulations prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the companies against which such orders are entered, in duly published, filed and posted tariffs, supplements or revised pages which shall show notation to that effect. Only the rates or fares so prescribed will carry such notations. Notice shall be sent the Commission that its decision or order in Cause No. _____, has been complied with in item _____, page _____ of Tariff No. _____ or supplement or revised page No. _____ to _____ Tariff No. _____.

(2) Unless otherwise specified in the decision or order in the case, such tariff, supplement or revised page must be made effective upon statutory notice to the Commission and the the public. Whether made effective on less than statutory notice, or upon statutory notice, when an entire tariff, supplement or revised page is issued in compliance with a decision or order, such tariff, supplement or revised page shall bear on its title page the notation "Issued in compliance with decision (or order) of the Washington Utilities and Transportation Commission in Cause No. _____."

If the decision or order of the Commission affects only portions of the tariff, supplement or revised page, the above notice shall be shown in connection with each portion so affected. [Order R-16, § 480-149-140, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-150 Power of attorney, concurrence and revocation notice. (1) This rule does not apply where powers of attorney and concurrences are filed with the Interstate Commerce Commission.

(2) An agent may be either an individual person or a corporation. Such agent must file tariffs under serial numbers of his own.

(3) The following form shall be used for a company to give authority to an attorney and agent to file tariffs and amendments or to give or file concurrences for it in its stead:

Power of Attorney No. _____

_____
(Name of company)

_____
(Postoffice address)

_____, 10__

KNOW ALL MEN BY THESE PRESENTS:

That the (Name of company) has made, constituted, and appointed and by these presents does make, constitute and appoint (Name of agent appointed) its true and lawful attorney and agent for the said company, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other companies, to receive concurrences in, and to file, rate schedules and supplements thereto, as required by the Washington Utilities and Transportation Commission. (Show limitations, if any) _____

_____

_____

And the said (Name of company) does hereby give and grant unto its said attorney and agent full authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its _____ President and to be duly attested under its corporate seal by its _____ Secretary, at _____, in the state of _____, on this _____ day of _____, in the year of our Lord nineteen hundred and _____.

_____
(Name of company)

By _____
ATTEST Its _____, President
_____ Secretary
(Corporate seal)

(4) The following form shall be used by companies concurring in the rates, fares, rules or regulations of another company or agent.

CONCURRENCE No. _____

Name of Company (or individual) _____

_____

THIS IS TO CERTIFY

That the _____ assents to and concurs in the publication and filing of Rate Schedules or Supplements thereto which the _____ or its agent, now has on file or may make and file with the Washington Utilities and Transportation Commission over the following route, _____

_____

and hereby makes _____ self a party to and bound thereby insofar as such schedules contain rates, rules or regulations applying for services specified, until this authority is revoked by formal and official notice of revocation filed with the Washington Utilities and Transportation Commission and with the _____

_____

Name of Company _____
Traffic Officer _____
Street Address _____

Post Office _____
Issued _____ Effective _____

(5) Companies granting authority to an agent or another company to publish and file certain of its rates shall not publish rates or fares which conflict with those published by such agent or other company.

(6) Each company issuing powers of attorney or concurrences to other public service companies or agents shall give a number to each document, using its own separate series for each form. This number shall be shown on the upper right-hand corner and immediately thereunder shall be shown the number of the power of attorney or concurrence, as the case may be, that is canceled thereby.

(7) A power of attorney or a concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney or concurrence was executed. Such notice must not bear a separate serial number but must specify the number of the power of attorney or concurrence to be revoked, must name the agent in whose favor the power of attorney or concurrence was executed, must specify a date upon which revocation is to become effective which must not be less than sixty days subsequent to the date of its receipt by the Commission and must be executed in the following manner:

REVOCATION NOTICE

_____
(Name of company)

_____
(Postoffice address)

_____, 10__

Know all men by these presents:

Effective _____, 19__, power of attorney No. _____ issued by _____ _____ in favor of _____ _____ is hereby canceled and revoked.

_____
Name of Company

By _____
ATTEST Its _____, President
_____ Secretary
(Corporate seal)

Duplicate mailed to _____ at _____

(8) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs shall be made effective upon statutory notice not latter than the effective date stated in the revocation notice.

(9) One copy of each power of attorney, concurrence and revocation notice must be filed with the Commission, also one copy must be furnished to the agent or company to which such authorization is directed. [Order R-16, § 480-149-150, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-160 Approval of rates by commission. The filing of tariffs or supplements with the Commission does not imply that the provisions thereof are approved, unless the Commission has prescribed the rates, fares, rules, regulations or practices in an order, and companies must not in any way make such inference. [Order R-16, § 480-149-160, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-170 Suspension of tariffs. (1) The Commission has power either on receipt of a complaint or protest or on its own motion to suspend the rates, fares, charges, rentals or tolls of any public service company as provided in section 81.04.130, RCW.

(2) No tariff or any part of a tariff will be suspended on a complaint or protest unless such complaint or protest is filed in compliance with the Commission's Rules of Practice and Procedure.

(3) When a tariff or any part of a tariff is suspended by the Commission, supplements shall be filed as provided in WAC 480-149-110(10). [Order R-16, § 480-149-170, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-180 Discontinuance of service. When permission of the Washington Utilities and Transportation Commission has been secured for discontinuance of service, supplements must be issued canceling tariffs. Such supplements shall carry full reference to the permission granted by the Commission. [Order R-16, § 480-149-180, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-190 Blank forms. Blank forms of concurrence, power of attorney, adoption notice, revocation notice and application for permission to change rates on less than statutory notice, can be secured from the Commission upon request. [Order R-16, § 480-149-190, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-200 Waiver of rules. Request for special permission to waive the provisions of this tariff circular may be made, in writing only, to the Commission. Such permission, if granted, will be given a special permission number by the Commission. Applicants receiving permission to depart from the terms of this circular, must publish in tariffs exactly as granted and must show directly in connection therewith the special permission number and date issued, except as may be otherwise authorized by the Commission. [Order R-16, § 480-149-200, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-210 Adoption of interstate commerce commission regulations. (1) Wherever the provisions of this tariff circular do not fully cover all of the points which may arise, the rules of the Interstate Commerce Commission's tariff circulars will apply and the Commission hereby adopts the rules promulgated by the

Interstate Commerce Commission and the tariff circulars issued by that body when same are not in conflict with the regulations herein.

(2) Wherever tariffs (or concurrences, etc.) having Washington intrastate application are filed also with the Interstate Commerce Commission or with other state commissions, and are in compliance with the applicable tariff circular of the Interstate Commerce Commission or special waivers thereof, the tariffs will be governed only the opening paragraph of WAC 480-149-030 and subdivision (1)(e) thereof of this circular, and the Commission hereby adopts in full the rules promulgated by the Interstate Commerce Commission and the tariff circulars issued by that body. [Order R-16, § 480-149-210, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

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

WAC

480-150-010 Preamble.
480-150-020 Definitions.
480-150-030 Criteria applicable.
480-150-060 Exemptions.
480-150-090 Construction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

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

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

WAC 480-150-010 Preamble. It is the purpose of these rules to codify the Commission's standards for evaluating filings for rate increases by utilities as defined herein, in relation to the regulations of the Cost of Living Council promulgated pursuant to the Economic Stabilization Act of 1970 as amended, subject to such exemptions as may be issued by the Cost of Living Council from time to time. [Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.]

WAC 480-150-020 Definitions. (1) The term "Commission" as used in these rules means the Washington Utilities and Transportation Commission.

(2) The term "utility" as used in these rules shall mean any person, firm, or corporation providing a service subject to regulation as to rates pursuant to Title 80 RCW (Public Utilities); and every person, firm, or corporation providing a service subject to regulation as to rates pursuant to Title 81 RCW (Transportation). [Order R-38, § 480-150-020, filed 6/28/72.]

WAC 480-150-030 Criteria applicable. (1) Any proposed rate increase intended to become effective subsequent to January 10, 1973 should be consistent with the following criteria:

(a) the increase is cost-justified and does not reflect future inflationary expectations;

(b) the increase is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements;

(c) the increase will achieve the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the utility;

(d) the increase takes into account expected and obtainable productivity gains.

(2) In any case in which there is good reason to believe that a proposed rate increase is not in conformity with the above criteria, the Commission, on its own motion or upon the protest of any interested party, may suspend the operation of the proposed increase and enter into an investigation thereof, or otherwise refuse to permit the proposed increase to become effective except upon a final order after hearing. In such investigation or upon hearing, the burden of proof shall be upon the proponent of the increase to establish compliance with these criteria.

(3) The proponent of a proposed rate increase, at the time such increase is filed with the Commission, may voluntarily submit evidence establishing that the proposed increase meets the foregoing standards. [Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.]

WAC 480-150-060 Exemptions. These rules shall not apply to: (1) any rate increase intended solely to pass through specific allowable costs, including taxes (except income taxes), purchased gas or other energy costs, but not including labor costs, under a previously approved tariff provision;

(2) any rate increase intended to adjust relationships between classes of customers, and which increase does not increase the utility's aggregate annual revenue by more than one percent (1%). [Order R-38, § 480-150-060, filed 6/28/72.]

WAC 480-150-090 Construction. Unless otherwise required in the public interest, these rules shall be construed and interpreted in accordance with the policies and purposes enunciated in General Order No. R-46, by which they are hereby adopted. [Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.]