

in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases, only after the construction proposal has been approved by the urban arterial board. [Statutory Authority: Chapter 47.26 RCW. 84-11-014 (Order 84-01, Resolution Nos. 818 and 819), § 479-13-060, filed 5/9/84; 79-08-139 (Order 79-01, Resolution Nos. 596, 597 and 598), § 479-13-060, filed 8/1/79.]

#### Chapter 479-16 WAC

### REQUIREMENTS FOR URBAN ARTERIAL PROJECT DEVELOPMENT

WAC  
479-16-080 Rates of development of functional classes of urban arterials.

**WAC 479-16-080 Rates of development of functional classes of urban arterials.** Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials. Beginning July 1, 1985, the urban arterial board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth below. The distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded.

(1) By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

(a) Principal arterial ratio weighted by three.

(b) Minor arterial ratio weighted by two.

(c) Collector arterial ratio weighted by one.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial. [Statutory Authority: Chapter 47.26 RCW. 85-15-073 (Order 85-02, Resolution No. 886), § 479-16-080, filed 7/22/85; 81-04-015 (Order 81-01, Resolution Nos. 666, 667 and 668), § 479-16-080, filed 1/29/81; Order 457, § 479-16-080, filed 9/16/77; Order 189, § 479-16-080, filed 7/13/71; Order 75, § 479-16-080, filed 10/10/68.]

#### Title 480 WAC

### UTILITIES AND TRANSPORTATION COMMISSION

#### Chapters

480-08	Procedure.
480-10	Rules implementing the State Environmental Policy Act.
480-11	SEPA procedures.
480-12	Motor carriers.
480-30	Auto transportation companies.
480-40	Passenger charter carriers.
480-70	Garbage and/or refuse collection companies.
480-80	Utilities general—Tariffs.
480-90	Gas companies—Operations.
480-95	Heat suppliers.
480-100	Electric companies.
480-110	Water companies.
480-120	Telephone companies.
480-121	Registration of telecommunications companies.
480-149	Tariff Circular No. 6.

#### Chapter 480-08 WAC

### PROCEDURE

WAC  
480-08-050 Pleadings.

**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 RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be issued within three hundred sixty days after the filing of such complaints.

(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: RCW 80.01.040. 85-09-025 (Order R-226, Cause No. U-85-07), § 480-08-050, filed 4/10/85. Statutory Authority: 1979 c 33. 79-09-017 (Order R-130, Cause No. U-79-34), § 480-08-050, filed 8/9/79; Order R-87, § 480-08-050, filed 10/20/76; Order R-5, § 480-08-050, filed 6/6/69, effective 10/9/69.]

## Chapter 480-10 WAC

### RULES IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

WAC

480-10-010 through 480-10-840 Repealed.

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

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

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

- 480-10-025 Scope and coverage of this chapter. [Order R-81, § 480-10-025, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-030 Integration of SEPA procedures with other governmental operations. [Order R-81, § 480-10-030, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-040 Definitions. [Order R-81, § 480-10-040, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-050 Use of the environmental checklist form. [Order R-81, § 480-10-050, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-055 Timing of the EIS process. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order R-81, § 480-10-060, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-100 Summary of information which may be required of a private applicant. [Order R-81, § 480-10-100, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order R-81, § 480-10-150, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-160 No presumption of significance for nonexempt actions. [Order R-81, § 480-10-160, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-170 Categorical exemptions. [Order R-81, § 480-10-170, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-175 Exemptions and nonexemptions applicable to the commission. [Order R-88, § 480-10-175, filed 10/20/76; Order R-81, § 480-10-175, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-180 Exemption for emergency actions. [Order R-81, § 480-10-180, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-190 Use and effect of categorical exemptions. [Order R-81, § 480-10-190, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-200 Commission, when it is the lead agency—Responsibilities. [Order R-81, § 480-10-200, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-203 Determination of lead agency—Procedures. [Order R-81, § 480-10-203, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-205 Lead agency designation—Governmental proposals. [Order R-81, § 480-10-205, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order R-81, § 480-10-210, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order R-81, § 480-10-220, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order R-81, § 480-10-225, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-230 Lead agency designation—Specific proposals. [Order R-81, § 480-10-230, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-235 Local agency transfer of lead agency status to a state agency. [Order R-81, § 480-10-235, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-240 Agreements as to lead agency status. [Order R-81, § 480-10-240, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-245 Agreements between agencies as to division of lead agency duties. [Order R-81, § 480-10-245, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-270 Assumption of lead agency status by another agency with jurisdiction. [Order R-81, § 480-10-270, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-300 Threshold determination requirement. [Order R-81, § 480-10-300, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-305 Notice of timing for threshold determination. [Order R-81, § 480-10-305, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-310 Threshold determination procedures—Environmental checklist. [Order R-81, § 480-10-310, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-320 Threshold determination procedures—Initial review of environmental checklist. [Order R-81, § 480-10-320, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-330 Threshold determination procedures—Information in addition to checklist. [Order R-81, § 480-10-330, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-340 Threshold determination procedures—Negative declarations. [Order R-81, § 480-10-340, filed 5/12/76.]

- Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-345 Assumption of lead agency status by commission—Prerequisites, effect and form of notice. [Order R-81, § 480-10-345, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-350 Affirmative threshold determination. [Order R-81, § 480-10-350, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-355 Form of declaration of significance/nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-360 Threshold determination criteria—Application of environmental checklist. [Order R-81, § 480-10-360, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-365 Environmental checklist. [Order R-81, § 480-10-365, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-370 Withdrawal of affirmative threshold determination. [Order R-81, § 480-10-370, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-375 Withdrawal of negative threshold determination. [Order R-81, § 480-10-375, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-390 Effect of threshold determination by lead agency. [Order R-81, § 480-10-390, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-400 Duty to begin preparation of a draft EIS. [Order R-81, § 480-10-400, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-405 Purpose and function of a draft EIS. [Order R-81, § 480-10-405, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-410 Predraft consultation procedures. [Order R-81, § 480-10-410, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-420 Preparation of EIS by persons outside the commission. [Order R-81, § 480-10-420, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-425 Organization and style of a draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-440 Contents of a draft EIS. [Order R-81, § 480-10-440, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Order R-81, § 480-10-442, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-444 List of elements of the environment. [Order R-81, § 480-10-444, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-446 Draft EIS—Optional additional elements—Limitation. [Order R-81, § 480-10-446, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-450 Public awareness of availability of draft EIS. [Order R-81, § 480-10-450, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-455 Circulation of the draft EIS—Review period. [Order R-81, § 480-10-455, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-460 Specific agencies to which draft EIS will be sent. [Order R-81, § 480-10-460, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-465 Agencies possessing environmental expertise. [Order R-81, § 480-10-465, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-480 Public hearing on a proposal—When required. [Order R-81, § 480-10-480, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-485 Notice of public hearing on environmental impact of the proposal. [Order R-81, § 480-10-485, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-490 Public hearing on the proposal—Use of environmental documents. [Order R-81, § 480-10-490, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-495 Preparation of amended or new draft EIS. [Order R-81, § 480-10-495, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-510 Responsibilities of commission as a consulted state agency with jurisdiction. [Order R-81, § 480-10-510, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-520 Responsibilities of commission as a consulted state agency with environmental expertise. [Order R-81, § 480-10-520, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-530 Responsibilities of commission as a consulted agency—When predraft consultation has occurred. [Order R-81, § 480-10-530, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-535 Cost of performance of commission responsibilities as a consulted agency. [Order R-81, § 480-10-535, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-540 Limitations on responses to consultation. [Order R-81, § 480-10-540, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

- 480-10-545 Effect of no written comment. [Order R-81, § 480-10-545, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-550 Preparation of the final EIS—Time period allowed. [Order R-81, § 480-10-550, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order R-81, § 480-10-570, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order R-81, § 480-10-580, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-600 Circulation of the final EIS. [Order R-81, § 480-10-600, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order R-81, § 480-10-650, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. [Order R-81, § 480-10-652, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-660 Use of previously prepared EIS for a different proposed action. [Order R-81, § 480-10-660, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-690 Use of commission's EIS by other acting agencies for the same proposal. [Order R-81, § 480-10-690, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-695 Draft and final supplements to a revised EIS. [Order R-81, § 480-10-695, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-700 No action for seven days after publication of the final EIS. [Order R-81, § 480-10-700, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-710 EIS combined with existing planning and review processes. [Order R-81, § 480-10-710, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-810 Responsibility of commission—Amendments to this chapter. [Order R-81, § 480-10-810, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-830 Commission SEPA public information center. [Order R-81, § 480-10-830, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-835 Regional SEPA public information centers. [Order R-81, § 480-10-835, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

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

**WAC 480-10-010 through 480-10-840 Repealed.**  
See Disposition table at beginning of this chapter.

### Chapter 480-11 WAC SEPA PROCEDURES

#### WAC

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

**WAC 480-11-010 Authority.** This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-11 WAC. [Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-010, filed 10/10/84. Formerly chapter 480-10 WAC.]

**WAC 480-11-020 Incorporation of chapter 197-11 WAC.** The provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology on January 26, 1984) are adopted by the Washington state utilities and transportation commission, and are incorporated into this chapter by this reference, to the extent that the provisions of chapter 197-11 WAC are applicable to the commission. [Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-020, filed 10/10/84.]

**WAC 480-11-030 Designation of responsible official.** The responsible official for the commission for matters relating to transportation shall be the assistant administrator for transportation. The responsible official for the commission for matters relating to public utilities shall be the utilities and accounting administrator. [Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-030, filed 10/10/84.]

### Chapter 480-12 WAC MOTOR CARRIERS

#### WAC

- 480-12-033 Temporary permits.  
480-12-190 Hours of service—On duty—Adoption of federal safety regulations.  
480-12-321 Log road classification—Must have.  
480-12-350 Insurance.

**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 ten 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 and commits to provide service to their satisfaction on demand.

(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.

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) of this section (except a temporary permit which has been canceled within twenty days after date of issuance as hereinafter provided) or subsection (2) of this section, 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 sixty 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) of this section:

"This permit is subject to cancellation any time within twenty 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 permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of thirty 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: *Provided*, That emergency temporary authority may be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

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 provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.

(6) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent. [Statutory Authority: RCW 80.01.040, 85-18-044 (Order R-236, Cause No. TV-1897), § 480-12-033, filed 8/30/85; 82-12-060 (Order R-187, Cause No. TV-1595), § 480-12-033, filed 6/2/82; Order R-50, § 480-12-033, filed 8/8/73; Order R-24, § 480-12-033, filed 4/16/71.]

**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 1, 1985, 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 to a 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.

(4) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, Part 395, adopted in this section, such term shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195. [Statutory Authority: RCW 80.01.040. 85-23-002 (Order R-244, Cause No. TV-1913), § 480-12-190, filed 11/7/85. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-190, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80-.211 and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-321 Log road classification—Must have.** Logging roads upon which carriers will be transporting domestic logs for compensation shall be classified in accordance with the specifications named in Item 860 of WUTC Tariff No. 4-A. Log road classification forms may be obtained from any commission office.

The classification of a logging road shall be the responsibility of the carriers and shippers, with primary responsibility upon the carriers.

Each log road shall be classified prior to commencing transportation and the completed classification form must be filed with the commission, in Olympia, no later than five days after commencing transportation. It shall be the responsibility of all carriers employed on the job to obtain a copy of the road classification and each carrier shall also retain a copy of the classification at carrier's main office for a period of three years subject to inspection by the commission. [Statutory Authority:

RCW 80.01.040. 84-21-120 (Order R-221, Cause No. TV-1816), § 480-12-321, filed 10/24/84.]

**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 shown on the following table:

Commodity Transported	July 1 1983	January 1 1985
(1) Property (nonhazardous) . . . . .	\$ 500,000	\$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

The above amounts do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of express service under a permit issued pursuant to chapter 81.80 RCW: *Provided*, That such carrier is in compliance with the provisions of RCW 46.72.040 and 46.72.050. Such carrier must also comply with the reporting requirements set forth in this section.

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," (Form E) filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: *Provided*, The requirements set forth above are in effect. [Statutory Authority: RCW 80.01.040. 85-10-032 (Order R-228, Cause No. TV-1871), § 480-12-350, filed 4/24/85; 84-19-004 (Order R-218, Cause No. TV-1804), § 480-12-350, filed 9/6/84. Statutory Authority:



RCW 80.01.040, 81.80.130 and 81.80.190. 83-18-072 (Order R-207, Cause No. TV-1711), § 480-12-350, filed 9/7/83. Statutory Authority: RCW 80.01.040. 82-12-063 (Order R-189, Cause No. TV 1597), § 480-12-350, filed 6/2/82; Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.]

**Chapter 480-30 WAC**  
**AUTO TRANSPORTATION COMPANIES**

**WAC**

480-30-010	Definitions.
480-30-020	Licenses, and rules and regulations.
480-30-030	Certificates—Auto transportation companies and excursion service companies.
480-30-040	Express.
480-30-050	Tariff, naming rates and fares.
480-30-060	Schedule of time and route.
480-30-070	Liability and property damage insurance or surety bond.
480-30-090	Equipment of motor vehicles.
480-30-100	Operation of motor vehicles.
480-30-110	Fees and gross operating revenue.
480-30-120	Uniform system of accounts and annual reports.
480-30-130	Rules and regulations—General application.

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

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate authorized to be issued to an auto transportation company or an excursion service company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(9) "Excursion service 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 from points of origin within the incorporated limits of any city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(10) "Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(11) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" or "excursion service company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company or excursion service company certificated under chapter 81.68 RCW.

(12) 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.

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

(14) 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: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-010, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-010, filed 8/9/79; Order R-78, § 480-30-010, filed 10/15/75; Order R-5, § 480-30-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-020 Licenses, and rules and regulations.** No motor vehicle may be operated upon the public highways of this state by any auto transportation company or excursion service company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-020, filed 7/11/84; Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-030 Certificates--Auto transportation companies and excursion service 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 excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public interest: *Provided*, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection (12) of this section.

(3) 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.

(4) 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.

(5) 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.

(6) Every auto transportation company and excursion service 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.

(7) All auto transportation companies and excursion service 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.

(8) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

(9) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection (10) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

(10) 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 (12) of this section.

(11) 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 (12) of this section.

(12) Miscellaneous fees:

Application for certificate . . . . .	\$150.00
Application for extension of service, line or route under a certificate	150.00

Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein . . . . .	150.00
Application for authority to mortgage a certificate . . . . .	35.00
Application for issuance of a duplicate certificate . . . . .	3.00

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.

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

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

(15) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission. [Statutory Authority: RCW 80.01.040, 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-030, filed 7/11/84. Statutory Authority: 1979 c 111 § 6, 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-030, filed 8/9/79; Order R-78, § 480-30-030, filed 10/15/75; Order R-50, § 480-30-030, filed 8/8/73; Order R-5, § 480-30-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-040 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, naphtha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film in passenger-carrying vehicles of auto transportation companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal rules and regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service nor use the word "express" as a part of its corporate or

trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-040, filed 7/11/84; Order R-5, § 480-30-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-050 Tariff, naming rates and fares.**

(1) Every auto transportation company and excursion service company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies and excursion service 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 and excursion service companies.

(5) No auto transportation company or excursion service company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or

for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-060 Schedule of time and route. (1)**

Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of

Walter A. Keys,  
Operating under Trade Name of  
Wenatchee-Cashmere Stage Line

(Certificate No. 88)

**MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE**  
Between

Wenatchee, Wash., and Cashmere, Wash.

With Terminal Depots at

123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere  
via the following route:

West on Wenatchee Avenue to City Limits; thence west on Sunset Highway  
through Monitor to Terminal at Cashmere

Issued June 8, 1967

Effective June 10, 1967

Issued by Walter A. Keys  
Title, Owner and Manager  
St. Address, 123 So. Wenatchee Ave.  
City and State, Wenatchee, Washington

Authority  
M. V. L. S. N. No. 400  
Dated June 8, 1967

**WESTBOUND**

Mile- age	From Wenatchee to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Wenatchee	Lv. 7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge	" 7:09	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**

Mile- age	From Cashmere to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X 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
9.3	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; X Saturday only.

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of

Walter A. Keys,  
Operating under Trade Name of  
Wenatchee-Cashmere Stage Line

(Certificate No. 88)

**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:

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 days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington, 98504."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No. -----, dated -----"

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: *Provided, however,* That the commission may permit the resumption of operation after such

(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

five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

(10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-070 Liability and property damage insurance or surety bond.** (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

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

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we \_\_\_\_\_ of the City of \_\_\_\_\_, State of Washington, as principal, and \_\_\_\_\_, a corporation organized and existing under and by virtue of the Laws of \_\_\_\_\_, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below

for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company or excursion service company (principal herein) under and by virtue of its certificate granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

For any recovery for personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

-----  
Principal

-----  
Surety

[Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-070, filed 7/11/84; Order R-109, § 480-30-070, filed 10/19/77;

Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-090 Equipment of motor vehicles.** (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a certificate, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

"W.U.T.C.  
No. -----"

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the company number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules. [Statutory Authority: RCW 80.01.040. 84-

15-023 (Order R-215, Cause No. TC-1786), § 480-30-090, filed 7/11/84; Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-100 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 January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service 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 January 1, 1985, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service 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 or excursion service 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 and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more 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 company or excursion service company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at 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 or excursion service 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. 85-23-002 (Order R-244, Cause No. TV-1913), § 480-30-100, filed 11/7/85; 85-20-047 (Order R-241, Cause No. TC-1904), § 480-30-100, filed 9/25/85; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-100, filed 7/11/84. Statutory Authority: RCW 81.68-.030. 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-100, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-100, filed 8/14/80; Order R-5, § 480-30-100, filed 6/6/69, effective 10/9/69.]

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

(1) Auto transportation companies or excursion service companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. **EXCEPTION:** A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "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 intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.

(4) Nonoperating revenue: Is that revenue received as a return on property OWNED by the reporting company, the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

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

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations. [Statutory Authority: RCW 80.01.040, 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-110, filed 7/11/84. Statutory Authority: 1979 c 111 § 6, 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-120 Uniform system of accounts and annual reports.** (1) 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 and excursion service 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 and excursion service 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 and Appendix 'A' uniform system of accounts for Class III auto transportation companies and excursion service companies."

(2) The various auto transportation companies and excursion service 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 \$3,000,000 or over.
- Class II. Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000.
- Class III. Those having average annual gross operating revenue less than \$200,000.

(3) Each auto transportation company and excursion service 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) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company and excursion service 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 or excursion service 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 or excursion service company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company and excursion service company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived

therefrom between any two points for any period desired. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-120, filed 7/11/84. Statutory Authority: RCW 80.01.040 and 81.68.030. 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.]

**WAC 480-30-130 Rules and regulations--General application.** (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

[Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-130, filed 7/11/84; Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.]

**Chapter 480-40 WAC  
PASSENGER CHARTER CARRIERS**

WAC	
480-40-070	Operation of motor vehicles.
480-40-080	Fees and gross operating revenue.

**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 January 1, 1983,

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 January 1, 1985, 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. 85-23-002 (Order R-244, Cause No. TV-1913), § 480-40-070, filed 11/7/85. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-070, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.]

#### **WAC 480-40-080 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 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 four-fifths of one percent of the gross operating revenue derived from intrastate charter operations or such other fee as may be prescribed by order of the commission, 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. [Statutory Authority: RCW 80.01.040 and 81.70.130. 84-15-024 (Order R-216, Cause No. TCH-1787), § 480-40-080, filed 7/11/84; Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.]

### **Chapter 480-70 WAC**

#### **GARBAGE AND/OR REFUSE COLLECTION COMPANIES**

##### **WAC**

480-70-120	Certificates, application for.
480-70-150	Certificates, applications—Notice to existing carriers.
480-70-330	Drivers, hours of work.

**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. Applications for authority to provide service under a contract with the United States of America or any agency thereof shall be accompanied by a certified copy of the fully executed contract. Such contract authority will be issued without hearing for a period coextensive with the duration of the contract subject to compliance by the applicant with all other applicable requirements of chapter 81.77 RCW and chapter 480-70 WAC. [Statutory Authority: RCW 80.01.040. 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-120, filed 9/25/85; Order R-90, § 480-70-120, filed 1/19/77; Order R-5, § 480-70-120, filed 6/6/69, effective 10/9/69.]

**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. Not included are applications for contract certificates under fully executed contracts with the United States of America or any agency thereof.

(2) Except as hereinafter provided, 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 or a garbage and/or refuse collection organization, association, or conference on behalf of 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. Applications for authority to provide service to the United States of America or any agency thereof shall not be subject to docketing and protest. [Statutory Authority: RCW 80.01.040. 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-150, filed 9/25/85; 82-13-089 (Order R-191, Cause No. TG-1575), § 480-70-150, filed 6/23/82; Order R-19, § 480-70-150, filed 5/12/70; Order R-5, § 480-70-150, filed 6/6/69, effective 10/9/69.]

**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 January 1, 1985, 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. 85-23-002 (Order R-244, Cause No. TV-1913), § 480-70-330, filed 11/7/85. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-330, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-330, filed 8/7/80; Order R-5, § 480-70-330, filed 6/6/69, effective 10/9/69.]

#### Chapter 480-80 WAC

#### UTILITIES GENERAL--TARIFFS

##### WAC

480-80-010	Application of rules.
480-80-030	Definitions.
480-80-045	Filing of banded tariffs.
480-80-120	Notice to the public of tariff changes.
480-80-125	Notice by utility to customers concerning hearing.
480-80-220	Rules and regulations page.
480-80-240	Without statutory notice.

**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, telecommunications, 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. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-010, filed 9/19/85; Order R-5, § 480-80-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-030 Definitions.** (1) "Utility," when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telecommunications, 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) "Banded tariff," as used in these rules means a tariff filed by a telecommunications company in which at least one element of the rate schedule (WAC 480-80-230) is a band consisting of a maximum and minimum rate within which the rate may vary.

(5) "Number," "numbers," "numbered" and "numbering," when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-030, filed 9/19/85; Order R-5, § 480-80-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-045 Filing of banded tariffs.** Telecommunications companies may file banded tariffs. Such banded tariff filings must, at a minimum, be accompanied with the following:

(1) A statement detailing how the public interest will be better served by a banded tariff rather than a tariff with fixed rates;

(2) A verifiable cost of service study supporting the contention that the minimum rate in the banded tariff covers the cost of the service;

(3) Information detailing the revenue impact of the banded tariff. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-045, filed 9/19/85.]

**WAC 480-80-120 Notice to the public of tariff changes.** (1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, 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. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-120, filed 9/19/85; Order R-5, § 480-80-120, filed 6/6/69, effective 10/9/69.]

**WAC 480-80-125 Notice by utility to customers concerning hearing.** The purpose of this requirement is to ensure that customers of a utility which is proposing a rate increase or a banded tariff which proposes an increase in the maximum rate receive reasonable notice of

the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

(1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it or proposes a banded tariff which includes an increased maximum rate, 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 amount of the proposed increase expressed in (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain 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 distributed 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 distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. 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:

IMPORTANT NOTICE  
(Company) is Requesting  
A Rate Increase  
Washington Utilities  
and Transportation  
Commission  
Cause No. U-\_\_\_\_\_

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$\_\_\_\_\_ a year, or about \_\_\_\_\_ percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

(1) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (206) 753-6420 or write to:

Secretary  
Washington Utilities and Transportation  
Commission  
Highways-Licenses Building  
Olympia, WA 98504.

If you write, include your name and mailing address, the name of the company, and Cause No. U-\_\_\_\_\_.

(3) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing \_\_\_\_\_.

(4) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request—higher or lower—for each kind of service.

Name of Company Official  
Title of Company Official  
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Type of Service	Range of Requested	Typical
	Increases or Increases in Unit Price	Increase in Average Bill (Dollars)

(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the

type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

**NOTE:** The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know how the company's proposal will affect you if the commission adopts it totally, call or write (telephone number and address of office or offices where customers will receive a prompt, accurate answer. Address and telephone number may be omitted if included elsewhere in the information simultaneously received by the consumer and if clearly referenced. The utility shall respond to customer inquiries no later than the close of the fifth business day following receipt of the inquiry at any of its appointed offices. Inquiries may be forwarded from branch offices to a central office or division if this is done at no cost to the consumer and if a response is generated to the consumer within the reasonable time limit).

(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. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-125, filed 9/19/85; 82-13-088 (Order R-184, Cause No. U-82-03), § 480-80-125, filed 6/23/82. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.]

**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
- (n) As to each service to which banded rates are applicable, the manner by which the utility will give notice to its customers of changes within the limits of the band.

(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. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-220, filed 9/19/85; Order R-5, § 480-80-220, filed 6/6/69, effective 10/9/69.]

**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 (a) rates for classes of service, etc. not heretofore rendered and covered by the utility's tariff, (b) tariff revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of 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 herebefore 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. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-240, filed 9/19/85; Order R-5, § 480-80-240, filed 6/6/69, effective 10/9/69.]

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

WAC	
480-90-021	Glossary.
480-90-071	Discontinuance of service.
480-90-072	Payment arrangements and responsibilities.

**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 nonhydrocarbons, 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 fahrenheit and pressure of 14.73 pounds per square inch absolute, and free of water vapor, occupies a volume of one cubic foot.

(6) British thermal unit (Btu) – the quantity of heat required to raise the temperature of one pound of water at 60° fahrenheit and standard pressure, one 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.

(9) Energy assistance grantee – a grantee of the department of community development which administers federally funded energy assistance programs.

(10) Household income – the total of all household members as determined by the department of social and health services or department of community development eligibility requirements for low income assistance.

(11) Payment arrangement – payment schedule by written or oral agreement between the customer and the utility.

(12) Payment plan – payment schedule by written agreement between the customer and the utility under WAC 480-90-072(3).

(13) Winter period – November 15 through March 15.

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. [Statutory Authority: RCW 80.01-.040. 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-021, filed 11/15/84; Order R-27, § 480-90-021, filed 7/15/71.]

**WAC 480-90-071 Discontinuance of service.** By customer – a customer shall be required to give notice to the utility of his or her 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, payment arrangement, or a payment plan, 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.

(m) For failure to keep any agreed upon payment plan.

(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) 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 such written notice of disconnection is for nonpayment during the winter period, the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-90-072(3), payment arrangements and responsibilities. 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, a new notice shall be required before the service can be discontinued.

(b)(i) 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 above.

(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 or herself 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.

(iii) 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. 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-071, filed 11/15/84. Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-071, filed 12/23/80; Order R-83, § 480-90-071, filed 6/30/76; Order R-27, § 480-90-071, filed 7/15/71.]

**WAC 480-90-072 Payment arrangements and responsibilities.** (1) The utility shall offer residential customers the option of a budget billing or equal payment plan.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period. A customer may agree to pay a higher percentage of their income during this period, but the payment plan shall not be invalidated unless payment during this period is less than seven percent;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay, unless there are extenuating circumstances;

(b) Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is applicable for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service. [Statutory Authority: RCW 80.01.040. 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-072, filed 11/15/84.]

### Chapter 480-95 WAC HEAT SUPPLIERS

#### WAC

480-95-010	Application of rules.
480-95-020	Definitions.
480-95-030	Permit required.
480-95-040	Operation under trade name.
480-95-050	Application for permit.
480-95-060	Notice of applications.
480-95-070	Procedure before commission.
480-95-080	Sale, lease, or transfer of permit.
480-95-090	Duplicate permits.
480-95-100	Contracts.
480-95-110	Fees.
480-95-120	Complaints.
480-95-125	Exemptions.

**WAC 480-95-010 Application of rules.** These rules shall apply to any heat supplier subject to the jurisdiction of the commission under authority of chapter 94, Laws of 1983. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-010, filed 4/26/84.]

**WAC 480-95-020 Definitions.** Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purposes of this chapter have the meanings hereinafter indicated.

(1) "Comparable heating services" available in a heat supplier's proposed service territory means any service

furnishing heat directly, or furnishing any other commodity used as a primary heat source (including but not limited to oil, natural gas, or electricity), to at least twenty percent of the customers in that territory in the class or classes which the applicant proposes to serve.

(2) "Customer" means any person, partnership, firm, association, corporation (including municipal corporations), cooperative organization, or governmental agency which receives service from a heat supplier or has completed an application to a heat supplier for service or a provider of heating services, as the context may require.

(3) "Designated service territory" means the geographic service area which a heat supplier serves or proposes to serve.

(4) "Formula" means any mathematical relationships by which a rate is to be calculated.

(5) The terms "heat," "heat supplier," and "commission" shall have the meaning ascribed to them in section 2, chapter 94, Laws of 1983.

(6) "Heat source" shall have the meaning ascribed to it in section 2, chapter 94, Laws of 1983, and shall also include but not be limited to cogeneration facilities and all agricultural, aquacultural, and forest products which can be converted to heat through combustion or any other energy conversion process.

(7) "Permit" means a nonexclusive operating permit authorized to be issued by the commission for the provision of heating services within a designated service territory.

(8) "Provider of heating services" means any person, firm, association, or corporation, including municipal corporations, affording heat directly, or affording any other commodity used as a primary heat source (including but not limited to oil, natural gas, or electricity), to customers within the applicant's proposed service territory for compensation.

(9) "Rate" means any price, charge, or classification made, demanded, observed, or received by heat suppliers or providers of heating services in the sale or purchase of heat from any heat source whatever, or any rule, regulation, or practice respecting any such price, charge, or classification, and any contract pertaining to the sale or purchase of heat.

(10) "Rates charged to customers" for comparable heating services shall be the rates per thermal unit customarily charged to each class of customer which the heat supplier proposes to serve during the year preceding such supplier's permit application. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-020, filed 4/26/84.]

**WAC 480-95-030 Permit required.** No heat supplier shall engage in the distribution, delivery, furnishing, or selling of heat without having first obtained from the commission a permit to so do within a designated service territory. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-030, filed 4/26/84.]

**WAC 480-95-040 Operation under trade name.** No permit 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 is filed with the commission. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-040, filed 4/26/84.]

**WAC 480-95-050 Application for permit.** (1) Applications for permits or extension thereof shall be type-written, on forms to be furnished by the commission, providing all information therein requested. The application shall provide the following basic information:

(a) A description of the area proposed to be served by specific reference to known and ascertainable streets, avenues, roads, highways, or boundaries, or by metes and bounds, together with a map specifically delineating the area in which service is intended to be provided.

(b) A detailed description of the proposed heat source site, the proposed system and each major component thereof.

(c) A statement of the number and types of customers the applicant expects to be serving at the end of the first, fifth, and tenth years of operations; a description of their anticipated heating requirements and load characteristics expressed in terms of British thermal units (BTUs) during each such period; and a business plan by which the applicant proposes to meet such requirements.

(d) A statement signed by a professional engineer of other person(s) qualified to make such a statement that the proposed site and system design, the load calculations, and the anticipated availability and cost of primary and secondary fuels or other energy sources have been reviewed, and that:

(i) Where relevant to the type of services proposed, the site is reasonably adequate to support the production of heat for the operations described in (c) of this subsection;

(ii) The system design, including storage and backup systems, is reasonably adequate to produce and deliver the heat required for such operations, and includes capacity sufficient to meet the base and peak heating loads projected for such operations;

(iii) The calculation of such projected loads is reasonable;

(iv) The heat supplier's proposed primary and secondary fuels or other energy sources are reasonably available at projected costs which render the project economically feasible;

(v) The system is designed in compliance with applicable codes and ordinances; and

(vi) All necessary permits, licenses, rights of way, and other approvals have been obtained or are reasonably obtainable.

Such signed statement shall be accompanied by written materials setting forth the specific information upon which each of the above representations is based, in sufficient detail to permit a reasonable determination that the proposed system is or is not adequate to provide the

services for which the permit is sought, and a statement of qualifications for the person making the statement.

(e) The locations, descriptions, and current status of all other projects undertaken by the applicant involving the development, production, generation, transmission, distribution, and/or delivery of heat and related services, together with a description of the applicant's role in such projects and the names, addresses, and telephone numbers of references familiar with the applicant's participation.

(f) Financial statements of the applicant for the current year and the preceding two years, together with credit and bank references or other information indicating that the applicant is financially responsible to provide the services for which the permit is sought.

(g) Evidence of comprehensive general liability insurance in form and substance satisfactory to the commission.

(h) A form of service contract or contracts to be offered to the applicant's customers which complies with the requirements of WAC 480-95-100.

(i) A schedule of rates charged to customers for comparable heating services available in the applicant's proposed service territory, identifying the sources of such information and setting forth any calculations employed to arrive at such rates.

(2) Applications not in substantial conformity with the requirements of this rule may be rejected by the commission: *Provided*, That upon an applicant's showing of good cause the commission may waive such requirements where to do so would not be inconsistent with the intent and purpose of this chapter.

(3) The commission may seek the assistance and recommendations of the Washington state energy office in reviewing and acting upon applications filed under these rules. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-050, filed 4/26/84.]

**WAC 480-95-060 Notice of applications.** (1) For purposes of this section, "applications" shall include applications for a permit to provide heating services within a designated service territory and any extensions thereof, and applications for the sale, lease, or transfer of permits as provided hereafter.

(2) The commission shall provide notice of the filing to all known existing providers of heating service which at the time of filing of an application, are serving the territory described in the application. Upon receiving such an application, the commission shall also publish notice thereof in a newspaper of general circulation in the designated service territory. Such notice shall set forth the docket number, if any, of the application and shall identify the applicant and the designated service territory covered by the application. Notice will be given by mail in accordance with commission rules. Existing providers of heating service shall have twenty days from the date of publication of such notice to file with the commission protests to the application. Protests must set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the

protestant in the subject matter of the application. Protests are to be directed only to the qualification and financial responsibility of the applicant to serve, the adequacy of the design of the system, and/or the reasonableness of the proposed contract rates in relation to the rates charged to customers for comparable heating services by other providers thereof in the proposed service territory. The commission may reject any protest which appears to be frivolous, or fails to raise substantial issues as to the qualifications of the applicant or its system, or appears to be filed in bad faith or for delay. Amendment of the application to meet protests will be permitted within thirty days of the last day for the filing of such protests. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-060, filed 4/26/84.]

**WAC 480-95-070 Procedure before commission.**

The commission will review the application in detail, and may request the assistance and recommendations of the Washington state energy office in its review. The commission may also request amendment of the application or such additional information as may be required to assure compliance with statutory standards and with these regulations. If, after reviewing the application and such other information as may be furnished, the commission determines that the statutory standards and the requirements of these rules have been complied with, it shall issue a nonexclusive operating permit to provide heating services within the designated service territory. If it is not so satisfied, or upon protest raising substantive issues, the commission may set the application for hearing in accordance with the provisions of chapter 34.04 RCW. No application will be denied without an opportunity for hearing, and in the event of hearing, the burden shall be upon the applicant to show that it meets the requirements of section 5, chapter 94, Laws of 1983. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-070, filed 4/26/84.]

**WAC 480-95-080 Sale, lease, or transfer of permit.**

Any permit may be sold, leased, or transferred upon application therefor on forms to be furnished by the commission giving all information requested therein and accompanied by the applicable fee. Transfer applications shall not be subject to protest, and may be granted by the commission upon a showing that the transferee is qualified and financially responsible. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-080, filed 4/26/84.]

**WAC 480-95-090 Duplicate permits.** All applications for duplicate permits must be accompanied by an affidavit of the holder that the original has been lost or destroyed. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-090, filed 4/26/84.]

**WAC 480-95-100 Contracts.** (1) Except as otherwise authorized by the commission, service to each class of customer shall be provided by uniform contract and at uniform rates. Heat suppliers may employ a master contract and/or may enter into individual contracts with each customer. Master contracts and individual contracts may not both be used within the same customer class. If a master form of contract is used, a true and correct copy shall be filed with the commission, and the heat supplier shall file quarterly a complete list of customers subscribing to service under the master contract. In the event that separate contracts are used, a true and correct copy of each contract shall be filed with the commission. Amendments to the contract or contracts shall also be filed with and be subject to approval by the commission.

(2) Contracts between a heat supplier and its customer shall be for a minimum of one year. They shall be terminable within the period for which they are written only in the manner provided in the contract, and under no circumstances upon less than thirty days' notice to the commission and each contracting party. Every such contract shall so provide.

(3) Every contract shall be mutually binding upon both heat supplier and customer, shall be entered into and performed in good faith, for an agreed rate or upon a formula by which the rate can reasonably be determined, and for an agreed term. Contracts shall conform to the following requirements:

(a) The time or term of performance by both parties must be stated and in no event shall the term or notice required for termination be shorter than that provided in these rules;

(b) Define the circumstances under which a customer deposit may be required, and delineate the circumstances under which discontinuance of service may be effectuated;

(c) Specify the procedure for renewal, modification, or termination of the contract;

(d) Specify the rates or the formula for determining rates to be charged during the contract term and specify the procedure, if any, for changing rates or the formula by which rates are to be determined; and

(e) Define the service responsibilities of the heat supplier and the customer for the purpose of maintaining adequate service. Each heat supplier shall commit to maintaining its plant and system in such condition as will enable it to furnish adequate service and shall endeavor to avoid interruptions of service, and, when such interruptions occur, to reestablish service with a minimum of delay. The contract will also provide that should it be necessary for the heat supplier to make repairs to or change its facilities it may, without incurring any liability therefor, interrupt service for such periods as may be reasonable necessary, and in such manner as to minimize the inconvenience to customers. All customers affected by a scheduled interruption shall be given notification at least one day in advance. Each heat supplier shall keep a record of all interruptions of service 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 on request.

(4) Every contract shall contain the provision that it is made subject to the power and authority of the commission from time to time to determine the reasonableness of rates as provided in section 7, chapter 94, Laws of 1983.

(5) Every contract shall contain the provisions of WAC 480-95-120 setting forth the procedures for resolving complaints or disputes involving a heat supplier and its customers. [Statutory Authority: RCW 80.01-.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-100, filed 4/26/84.]

**WAC 480-95-110 Fees.**

- (1) Application for permit ..... \$ 500.00
- (2) Application for extension ..... 150.00
- (3) Application for sale,  
transfer, or lease ..... 150.00
- (4) Application for duplicate permit ..... 3.00

[Statutory Authority: RCW 80.01.040 and chapter 80-.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-110, filed 4/26/84.]

**WAC 480-95-120 Complaints.** Any complaint or dispute involving a heat supplier and a customer shall be treated in the following manner:

(1) Each complaint or dispute received by a heat supplier shall be investigated promptly as required by the particular case, and the result reported to the customer. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each heat supplier shall ensure that personnel engaged in initial contact with a dissatisfied or complaining customer explain 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 of the heat supplier. 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 heat supplier shall ensure that supervisory personnel contacted by a dissatisfied customer shall inform such 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 a customer and a heat supplier 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 provisions of WAC 480-08-050.

(5) When a complaint is referred to a heat supplier by the commission, the heat supplier shall, within two working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to the progress made with respect to the solution of, and final

disposition of the complaint. If warranted in a particular case, a heat supplier may request an extension of time.

(6) Each heat supplier shall keep a record of all complaints concerning its 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 record shall be maintained in a suitable place readily available for commission review. All written complaints shall be acknowledged. Correspondence and records of complaints shall be retained by the heat supplier for a minimum period of one year. [Statutory Authority: RCW 80.01-.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-120, filed 4/26/84.]

**WAC 480-95-125 Exemptions.** Nothing in this chapter requires public utilities regulated by the commission to obtain permits as heat suppliers under this chapter or to file contracts with the commission, unless such utilities develop, produce, transmit, distribute, deliver, furnish, or sell to or for the public in the state of Washington heat from waste heat, geothermal wells or springs, combustion of biomass materials, or collection of solar heat for a beneficial use other than electricity generation. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-125, filed 4/26/84.]

**Chapter 480-100 WAC  
ELECTRIC COMPANIES**

- WAC 480-100-021 Glossary.
- 480-100-071 Discontinuance of service.
- 480-100-072 Payment arrangements and responsibilities.

**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) Energy assistance grantee – a grantee of the department of community development which administers federally funded energy assistance programs.

(5) Household income – the total income of all household members as determined by department of social and health services or department of community development eligibility requirements for low income energy assistance.

(6) 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.

(7) Payment arrangement – payment schedule by written or oral agreement between the customer and the utility.

(8) Payment plan – payment schedule by written agreement between the customer and the utility under WAC 480-100-072(3).

(9) Winter period – November 15 through March 15.

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. [Statutory Authority: RCW 80-01.040, 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-021, filed 11/15/84; Order R-29, § 480-100-021, filed 7/15/71.]

**WAC 480-100-071 Discontinuance of service.** By customer – a customer shall be required to give notice to the utility of his or her 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, payment arrangement, or a payment plan, 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.

(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.

(m) For failure to keep any agreed upon payment plan.

(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) 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 such written notice of disconnection is for nonpayment during the winter period the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-100-072(3), payment arrangements and responsibilities. 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, a new notice shall be required before the service can be discontinued.

(b)(i) 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 above.

(ii) When 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 unless the utility has verified that the customer of record and the service user are the same party. 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 either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice 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 or herself of rights and remedies as set forth in WAC 480-100-096 (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 or her 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) When a utility has, or has had, cause to disconnect utility service, the utility shall postpone termination of 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 electric 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. When 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. If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency. If this five day period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional twenty-four hour notice to the premises.

(iii) 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, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate 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. 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-071, filed 11/15/84. Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-071, filed 1/20/81; Order R-84, § 480-100-071, filed 6/30/76; Order R-29, § 480-100-071, filed 7/15/71.]

**WAC 480-100-072 Payment arrangements and responsibilities.** (1) The utility shall offer residential customers the option of a budget billing or equal payment plan.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period. A customer may agree to pay a higher percentage of their income during this period, but the payment plan shall not be invalidated unless payment during this period is less than seven percent;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay, unless there are extenuating circumstances;

(b) Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is applicable for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service. [Statutory Authority: RCW 80.01.040. 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-072, filed 11/15/84.]

## Chapter 480-110 WAC WATER COMPANIES

### WAC

480-110-041 Availability of information.

**WAC 480-110-041 Availability of information.** (1) Each utility shall maintain a business location and a regular telephone number at which it may be contacted directly by customers during regular business hours, and provide a means by which it may be contacted at any hour in the event of a service failure or emergency, or at which a customer may leave a message reporting such failure or emergency. Each utility shall adopt procedures for prompt response to reported service failures or emergencies, whether reported directly or by recorded message. Any change in business location or telephone number shall be communicated to the commission at least ten days prior to the effective date of the change.

(2) 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.

(3) 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.

(4) 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. [Statutory Authority: RCW 80.01.040, 85-11-019 (Order R-229, Cause No. U-85-11), § 480-110-041, filed 5/9/85; Order R-85, § 480-110-041, filed 6/30/76; Order R-30, § 480-110-041, filed 7/15/71.]

### Chapter 480-120 WAC TELEPHONE COMPANIES

#### WAC

480-120-011	Application of rules.
480-120-021	Glossary.
480-120-022	Classification proceedings.
480-120-023	Content of petition for classification of competitive telecommunications services and companies.
480-120-024	Waiver of regulatory requirements for competitive telecommunications companies.
480-120-025	Investigations.
480-120-031	Accounting.
480-120-041	Availability of information.
480-120-042	Directory service.
480-120-056	Deposits.
480-120-061	Refusal of service.
480-120-066	Contract for service.
480-120-081	Discontinuance of service.
480-120-088	Automatic dialing-announcing devices.
480-120-106	Form of bills.
480-120-137	Customer-owned pay telephones—Interstate.
480-120-138	Customer-owned pay telephones—Local and intrastate.

**WAC 480-120-011 Application of rules.** These rules and regulations shall govern the furnishing of intrastate telecommunications service and facilities to the public by telecommunications 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 telecommunications 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. [Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-011, filed 11/7/85; Order R-25, § 480-120-011, filed 5/5/71.]

**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.

Competitive telecommunications company – a telecommunications company which is classified as such by the commission pursuant to section 4, chapter 450, Laws of 1985.

Competitive telecommunications service – a service which is classified as such by the commission pursuant to section 5, chapter 450, Laws of 1985.

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 telecommunications company 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 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-021, filed 11/7/85. Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-021, filed 9/18/79. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-021, filed 2/28/79; Order R-25, § 480-120-021, filed 5/5/71.]

**WAC 480-120-022 Classification proceedings.** (1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service.

(2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by order instituting investigation.

(3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its order upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the commission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).

(4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice of the pendency of the classification proceeding. The commission shall determine the manner and distribution of notice.

(5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.

(6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.

(7) Burden of proof. In any classification proceeding, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:

(a) The number and size of alternative providers of services;

(b) The extent to which services are available from alternative providers in the relevant market;

(c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and

(d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-022, filed 11/7/85.]

**WAC 480-120-023 Content of petition for classification of competitive telecommunications services and companies.** In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

(1) Name and address of the petitioner;

(2) A description of the services it offers;

(3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;

(4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:

(a) Descriptions of all services in the petitioner's definition of the relevant market for the service;

(b) Names and addresses of all providers of such services known or reasonably knowable to the petitioner;

(c) Prices, terms, and conditions under which such services are offered to the extent known or reasonably knowable to the petitioner;

(d) A geographical delineation of the relevant market;

(e) An estimate of petitioner's market share and any past or projected change in market share;

(f) A description of ease of entry into the market;

(g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;

(h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;

(i) The manner by which notice of price list changes will be provided to customers and the commission. [Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-023, filed 11/7/85.]

**WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies.** (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest. [Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-024, filed 11/7/85.]

**WAC 480-120-025 Investigations.** (1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

(2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.

(3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits. [Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-025, filed 11/7/85.]

**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 telecommunications companies in the state of Washington, except as provided for competitive telecommunications companies in WAC 480-120-033.

Telecommunications companies 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 telecommunications 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 telecommunications 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 telecommunications company in its annual report shall agree with the results of operations shown on its books and records.

All telecommunications companies 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 telecommunications companies 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 telecommunications 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. [Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-031, filed 11/7/85; Order R-25, § 480-120-031, filed 5/5/71.]

**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 telecommunications company shall be made available to the public upon request at any of its listed business offices. In addition, each telecommunications 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. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-041, filed 11/7/85; Order R-86, § 480-120-041, filed 6/30/76; Order R-25, § 480-120-041, filed 5/5/71.]

**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 telecommunications 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. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-042, filed 11/7/85; Order R-92, § 480-120-042, filed 2/9/77.]

**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 telecommunications company; or where three or more delinquency notices have been served upon the applicant by any other telecommunications 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 telecommunications 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 open 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 a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent 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 in the following form:

(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service when 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 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 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-056, filed 11/7/85. Statutory Authority: RCW 80.01.040. 85-04-036 (Order R-219, Cause No. U-84-69), § 480-120-056, filed 2/1/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71.]

**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: *Provided*, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. 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 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-061, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

**WAC 480-120-066 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.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer. [Statutory Authority: RCW 80.01.040. 85-21-025 (Order R-243, Cause No. U-85-35), § 480-120-066, filed 10/10/85; Order R-25, § 480-120-066, filed 5/5/71.]

**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. Nonpayment of charges billed by the utility on behalf of information providers shall not be grounds for discontinuance of service in whole or in part.

(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 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-081, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-081, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71.]

**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 a telephone number to which a return call can be placed; 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; or

(3) An ADAD may be used if the recorded message:

(a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and

(b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(c) An emergency ADAD may be connected to the telephone network only under the following conditions:

(i) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.

(ii) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.

(iii) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.

(iv) The ADAD satisfies applicable state safety requirements.

(v) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument: *Provided*, That the user shall not program the instrument to dial police or 911 emergency response numbers.

As to any ADAD, provision must be made to preclude the dialing of unlisted telephone numbers and the dialing of designated public service emergency telephone numbers as listed in published telephone directories and to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.

Before any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the telecommunications company 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. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.

The telecommunications company 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 telecommunications 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.

Except for an ADAD designed to deliver a message in response to an emergency situation, 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 unlisted telephone numbers, 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 telecommunications company shall 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 eight business days' notice or with no prior notice if use of the ADAD creates overloading in a telecommunications company switching office. [Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-088, filed 11/7/85. Statutory Authority: RCW 80.01.040. 84-09-054 (Order R-212, Cause Nos. U-83-51 and U-83-56), § 480-120-088, filed 4/17/84. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-088, filed 2/28/79.]

**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 shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, 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. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number,

if any, of such providers. 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. [Statutory Authority: RCW 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71.]

**WAC 480-120-137 Customer-owned pay telephones—Interstate.** Every telecommunications company operating an exchange within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for interstate communications. When such service is requested every such telecommunications company shall file tariffs with the commission which shall allow the connection of customer-owned pay telephones to the interstate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code.

(2) The caller will be able to access the operator and 911 where available without the use of a coin.

(3) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons. [Statutory Authority: RCW 80.01.040. 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-137, filed 9/20/85.]

**WAC 480-120-138 Customer-owned pay telephones—Local and intrastate.** Every telecommunications company operating an exchange within the state of Washington may allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission which shall set rates and conditions of service and shall allow the connection of customer-owned pay telephones to the local and intrastate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All customer-owned pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access without the use of a coin the operator and 911 where available.

(4) The subscriber shall pay the local directory assistance charge currently in effect for each customer-owned pay telephone and may charge the user for directory assistance calls. The charge for each directory assistance call paid by the user shall not exceed the current per call charge paid by the subscriber.

(5) Emergency numbers (operator assistance and 911) must be clearly posted at each location of a customer-owned pay telephone.

(6) Information must be displayed on the customer-owned pay telephone consisting of local address and telephone number where a caller can obtain assistance in the event the customer-owned pay telephone malfunctions in any way, procedures for obtaining a refund from the subscriber, and notice that the customer-owned pay telephone is not being provided by the local telephone company.

(7) The number of the customer-owned pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The customer-owned pay telephone must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(10) All customer-owned pay telephones must be capable of providing access to all interexchange carriers where such access is available.

(11) Pay telephone access lines must provide two-way service and there shall be no charge imposed by the subscriber for incoming calls.

(12) Customer-owned pay telephones may be connected only to pay telephone access lines offered by the local telephone company.

(13) A subscriber must order a separate pay telephone access line for each customer-owned pay telephone installed and will be billed the tariffed rate for each pay telephone access line. No other telecommunications instrument may be connected to a pay telephone access line.

(14) Violations of the tariff, commission rules pertaining to customer-owned pay telephone service, or other requirements contained in these rules will subject

customer-owned pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber.

It shall be the responsibility of every telecommunications company operating an exchange to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local telecommunications company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local telecommunications company to provide free of charge one current telephone directory each year for each pay telephone access line.

The pay telephone access lines for a customer-owned telephone will be charged at rates according to the relevant tariff as approved by the commission.

Pay telephones owned and operated by the local telecommunications company or any interexchange carrier tariffed to do business in Washington shall not be subject to these rules. [Statutory Authority: RCW 80.01.040, 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-138, filed 9/20/85.]

### Chapter 480-121 WAC

## REGISTRATION OF TELECOMMUNICATIONS COMPANIES

#### WAC

480-121-010	Filing of registration application.
480-121-020	Number of copies.
480-121-030	Additional information.
480-121-040	Grant or denial of registration.
480-121-050	Form.

**WAC 480-121-010 Filing of registration application.** Applications shall be filed at the office of the commission in Olympia, Washington, by mail or in person, and shall be signed by the applicant or its attorney, dated, and verified. Applications will be assigned a number, and all additional exhibits and data thereafter filed, and correspondence in connection with the application, should bear that number.

Applications shall be in the form prescribed by WAC 480-121-050, and shall in all respects adhere to the rules set out herein. Applications not in substantial compliance with these rules may be rejected by the commission and returned to the applicant. [Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-010, filed 9/19/85.]

**WAC 480-121-020 Number of copies.** Applicant shall file with the commission an original application and such additional copies as the commission may require. [Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-020, filed 9/19/85.]

**WAC 480-121-030 Additional information.** The commission may at its discretion require the production of data and information to supplement that contained in the application. Unless a different time is specified, such information shall be provided within ten days of the request. [Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-030, filed 9/19/85.]

**WAC 480-121-040 Grant or denial of registration.** As a condition to registration, with or without hearing, applicant must clearly show that:

(1) Applicant possesses adequate financial resources to provide the proposed service;

(2) Applicant possesses adequate technical competence to provide the proposed service; and

(3) Applicant has procured and will maintain:

(a) A performance bond satisfactory to the commission sufficient to cover any customer advances or deposits; or

(b) Provision has been made for deposit of customer advances or deposits in a federally insured interest bearing trust account maintained by applicant solely for customer advances or deposits, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington, with access to such funds only for the purpose of applying an amount to a delinquent bill in accordance with commission deposit rules, or for the purpose of refunding advances or deposits to customers. In any order granting certification, the commission may require either bond or trust account or escrow as a condition.

Such application may be granted without hearing upon a determination by the commission that the application is consistent with the public interest, and that applicant meets financial and technical requirements, and has provided adequately for the protection of customer advances or deposits, or the application may be set for hearing in accordance with notice issued by the commission. If, upon hearing, the commission finds that registration is not consistent with the public interest, or that the applicant is not financially or technically able to provide the contemplated service or that customer advances or deposits cannot be adequately protected, it will deny the application. [Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-040, filed 9/19/85.]

**WAC 480-121-050 Form.** Applications for registration as a telecommunications company pursuant to the provisions of chapter 450, Laws of 1985, shall be submitted in the following form.

APPLICATION FOR REGISTRATION  
OF TELECOMMUNICATIONS COMPANY  
FILED WITH THE  
WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION  
HIGHWAYS-LICENSES BUILDING, OLYMPIA, WA 98504

IN THE MATTER OF THE APPLICATION OF (here insert name of applicant) FOR AN ORDER authorizing the registration of applicant as a telecommunications company

NO. .... (Number to be inserted by secretary of the Commission)

EXHIBIT B

Current detailed balance sheet.

EXHIBIT C

Detailed income and profit and loss statement of applicant reflecting current and prior year balances for the twelve months ended as of the date of the balance sheet submitted as Exhibit B, or, if more readily available, for the period since the close of the preceding calendar year. If balance sheet and income statement are not available, applicant must submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed service.

EXHIBIT D

Latest annual report, if any.

EXHIBIT E

Detail of the type and quantity of equipment to be used in the operation, capacity and expected use of such equipment, the method of transmission (i.e., copper cable, microwave, fiber optic, etc.), and a map depicting the physical route of transmission.

EXHIBIT F

A commitment for issuance of a performance bond by a company authorized to do business in Washington to cover any advances or deposits, or a detailed description of the account to be maintained for customer deposits including the name of the depository and a copy of the deposit arrangement.

EXHIBIT G

Proposed initial tariff setting forth rates, rules and regulations applicable to the contemplated service.

EXHIBIT H

Such other facts, not set forth in preceding exhibits, as in the opinion of the applicant may be pertinent in support of the application.

WHEREFORE, the undersigned applicant requests that the Washington utilities and transportation commission, enter an order granting the application, in accordance with the provisions of chapter 450, Laws of 1985.

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

(Applicant)

By ..... Title .....

STATE OF WASHINGTON } ss. County of .....

....., being first duly sworn, deposes and says that ..... is (Title) of (name of applicant), the applicant in the proceeding entitled above, that ..... has read the foregoing application and knows the contents thereof; that the same are true of ..... knowledge, except

GENERAL INFORMATION

- 1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of registered agent of applicant if any.
4. State or states under which applicant is organized and form of organization (corporation, partnership, association, firm, individual, etc.). 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, as follows:

Table with 4 columns: Name and Address, Shares Owned, Percentage of all Shares Issued & Outstanding, Percentage of Voting Control

- 7. Names and addresses of the officers and directors of applicant.
8. Name and address of any corporation, association, or similar organization holding a 5% or greater ownership or a management interest in the applicant. As to ownership, the amount and character of the interest must be indicated. A copy of any management agreement must be attached.
9. Names and addresses of subsidiaries owned or controlled by applicant.

EXHIBIT A

Detailed description of the telecommunications services applicant intends to offer, designating geographic areas of operation, and the location of other areas in which applicant is providing or has provided service, either independently or in conjunction with any other telecommunications company.

as to matters which are therein stated on information or belief, and as to those matters ----- believes them to be true.

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

-----  
Notary Public in and for the state of Washington, residing at -----

[Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-050, filed 9/19/85.]

### Chapter 480-149 WAC TARIFF CIRCULAR NO. 6

WAC	
480-149-060	Passenger tariffs.
480-149-070	Excursion service company and temporarily reduced one-way tariffs.

**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 and excursion service companies, must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger

operations. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-060, filed 7/11/84; Order R-16, § 480-149-060, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

**WAC 480-149-070 Excursion service company 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 excursion service companies. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-070, filed 7/11/84; Order R-16, § 480-149-070, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

## Title 484 WAC VETERANS' AFFAIRS, DEPARTMENT OF

**Chapter**  
**484-20** Washington soldiers' home and colony--  
Washington veterans home.

### Chapter 484-20 WAC WASHINGTON SOLDIERS' HOME AND COLONY--WASHINGTON VETERANS HOME

WAC	
484-20-010	Definitions.
484-20-015	Application for membership.
484-20-040	Eligibility—Property resources.
484-20-065	Use of income and assets of member.
484-20-068	Duly constituted body.
484-20-070	Veterans home or soldiers home revolving fund.
484-20-075	Aid and attendance account.
484-20-085	Members' rights and rules of conduct—Notification.
484-20-090	Rules of conduct.
484-20-100	Violation—Investigation.