

the account matching ratio multiplied by the sum of ten percent of the original contract amount up to one million dollars and five percent of the amount in excess of one million dollars. Requests for increases at this stage will take priority over preliminary and construction phase approvals. Such requests shall be reviewed by the chairman and will not be approved if:

(a) The requested increase is to pay for an expansion of the scope of the work originally proposed; or

(b) If the request is not substantiated and the chairman determines that the increased funds should have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(4) If the chairman or the board, as the case may be, does not approve the request of a local agency for an increase at the preliminary prospectus, construction prospectus, bid opening or contract completion stage, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the original amount requested, and subject to approval by the chairman of the board, reduce the scope of the project while retaining a usable and functional improvement.

[Statutory Authority: Chapter 47.26 RCW. 87-21-068 (Order 87-01, Resolution No. 955), § 479-20-037, filed 10/19/87.]

**Title 480 WAC  
UTILITIES AND TRANSPORTATION  
COMMISSION**

**Chapters**

- 480-08 Procedure.
- 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.
- 480-100 Electric companies.
- 480-120 Telephone companies.
- 480-122 Lifeline telephone assistance program.
- 480-149 Tariff Circular No. 6.

**Chapter 480-08 WAC  
PROCEDURE**

**WAC**

- 480-08-010 Communications.
- 480-08-015 Submission of "confidential" information.

**WAC 480-08-010 Communications.** (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation

Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) One subject in a letter. Letters to the Washington utilities and transportation commission (hereinafter referred to as the "commission") should embrace but one subject.

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

(4) Remittances. Remittances to the commission shall be by money order, bank draft or check payable to the Washington utilities and transportation commission. Remittances in currency or coin are wholly at the risk of the remitter and the commission assumes no responsibility for loss thereof. Postage stamps should not be remitted except when remitter is so directed.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-08-010, filed 12/23/87; Order R-43, § 480-08-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-010, filed 6/9/69, effective 10/9/69.]

**WAC 480-08-015 Submission of "confidential" information. (1) General.**

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

**(2) Designated official.**

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

**(3) Definitions.**

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

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

"Requester." Any person who submits a data request (in a contested case) or a request for public documents under the State Public Disclosure Law.

**(4) How to seek protection under this rule.**

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

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

itself) which might be directly affected by disclosure of the confidential information.

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

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

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

(5) Requests for "confidential information."

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

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

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

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

(6) Informal resolution.

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

(7) Release of information.

Any information alleged to be exempt from inspection and copying pursuant to section 1, chapter 107, Laws of 1987, shall be released only upon notice to the provider and any person identified by the provider as one who might be directly affected by release of the information so as to allow invocation of the statutory procedures for securing a court order protecting the records as confidential. Such notice shall be given not more than two days following location of the materials requested, and determination that they contain information claimed to be confidential. Notice will be given in writing, either by first class mail or by transmission of a copy of the request by electronic facsimile. Notice by mail shall be deemed complete in accordance with WAC 480-08-060(4), and facsimile shall be deemed complete when transmission is complete. A copy of the notice will be forwarded concurrently to the requester.

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

(8) Judicial intervention.

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

[Statutory Authority: RCW 80.01.040, 80.04.095 and 42.17.310. 88-01-114 (Order R-267, Cause No. U-87-1452-R), § 480-08-015, filed 12/23/87.]

## Chapter 480-12 WAC

### MOTOR CARRIERS

#### WAC

480-12-005	Communications.
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480-12-015	Documents—When filed.
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480-12-070	Permit rights defined—Classification of carriers.
480-12-100	Forwarders and brokers.
480-12-110	Permit, must abide by—"Tacking"—Extension.
480-12-125	Lost permits.
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480-12-130	Identification cards—Amendment—Substitution.
480-12-135	Cards—Return required—Loss of—Improper use of cards or stamps.
480-12-150	Equipment—Name and permit number.
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480-12-180	Equipment—Drivers—Safety.
480-12-200	Accidents, reporting of.
480-12-205	Passengers—Carrying prohibited—Exceptions.
480-12-210	Leasing.
480-12-235	Claims for loss or damage.
480-12-250	Accounts—Uniform system adopted—Reports.
480-12-260	Bills of lading.
480-12-285	Tariffs, distribution and cost of.
480-12-295	Tariffs, proposed changes in—How made.
480-12-321	Log road classification—Must have.
480-12-400	Definitions.
480-12-435	Estimates of charges.
480-12-445	Information to shipper.

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

480-12-175	Equipment—Loads above tank. [Order R-5, § 480-12-175, filed 6/6/69, effective 10/9/69.] Repealed by 87-19-088 (Order R-276, Cause No. TV-2092), filed 9/17/87. Statutory Authority: RCW 80.01.040.
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**WAC 480-12-005 Communications.** (1) Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Every permit holder in addressing communications to the commission must use the name shown upon his permit and indicate permit number.

(3) All carriers operating under these rules are urged to report violations thereof, for in so doing conditions can be improved. All reports received in accordance with this subsection (3) of this rule will be held confidential by all commission personnel.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-005, filed 12/23/87; Order R-43, § 480-12-005, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-005, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-010 Rule book must be in main office--Charge for replacement.** (1) All carriers operating under these rules are required to keep a copy of same on file in their main office at all times, and to regularly insert all revised pages issued by the commission so that the rule book contains all the current rules.

(2) The original book to noncarriers, replacement of lost books, or additional rule books will be charged for at seven dollars fifty cents, plus retail sales tax, for each copy.

(3) Failure to comply with subsection (1) of this section will subject permittee to penalty.

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-010, filed 9/17/87; Order R-5, § 480-12-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-015 Documents--When filed.** Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common and contract carrier motor vehicle permits or extensions thereof, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon said commission at its offices, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application, or other matter required to be served upon or filed with the commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for motor vehicle common and contract carrier permits, or for extensions thereof may be transmitted to the district offices of the commission for forwarding to the offices of the commission at Olympia, but are not considered as served or filed until they are received at the said Olympia offices.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-015, filed 12/23/87; Order R-43, §

480-12-015, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-015, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-020 Remittances.** (1) Remittances to the commission may be by money order, bank draft, company check, or certified check payable to the Washington utilities and transportation commission. Personal checks, if drawn on a bank in the state of Washington, will be accepted subject to collection.

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

(3) Do not remit postage stamps, except when so directed.

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-020, filed 9/17/87; Order R-5, § 480-12-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-025 Address, change of.** A change in the address of the principal place of business of any carrier must immediately be reported to the commission in writing.

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-025, filed 9/17/87; Order R-5, § 480-12-025, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-030 Applications.** (1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the documents and exhibits specified in the application form or instructions and the fee of one hundred fifty dollars for applications for permanent authority including applications for extensions, thirty-five dollars for applications for temporary authority, and thirty-five dollars for applications for a change of corporate name. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.

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

(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper

only, such paper to be of standard letter size, 8 1/2 by 11 inches.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-030, filed 9/17/87; Order R-50, § 480-12-030, filed 8/8/73; Order R-24, § 480-12-030, filed 4/16/71; Order R-5, § 480-12-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-031 Petition to amend permit to incorporate commercial zone authority.** Any common carrier which, on July 28, 1982, had authority to transport general freight between two points in a commercial zone as defined in WAC 480-12-081 may petition the commission to amend its permit to include commercial zone authority. Common carriers who desire this amendment must notify the commission within sixty days of the effective date of these rules. The petition must be on a form provided by the commission and must be accompanied by an administrative fee of one hundred fifty dollars.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-031, filed 9/17/87; 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-031, filed 7/28/82; Order R-96, § 480-12-031, filed 5/4/77.]

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

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

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

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

(b) Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

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

(c) Protests may be signed either by the protesting party or by his duly authorized attorney or agent; and if by attorney or agent shall contain the name of the person or persons in whose behalf the same is filed. Protests also may be filed in the name of a transportation industry organization, association, or conference on behalf of its members and shall specify the names of the individuals in whose interests it is filed. Such protests shall contain a list of currently active members and be signed by an authorized representative of the organization, association, or conference.

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

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

(4)(a) Unless applicant has certified at the time of filing the application that it is ready to proceed upon the expiration of the 30-day protest period, if protests to its application have been filed, applicant shall, within 30 days after the period for filing protests has expired, notify the commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure so to notify the commission will be construed to mean that applicant has no further interest in the application, and the application will thereupon be dismissed by the commission.

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

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

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

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

(6) If the period for filing protests expires without any protest having been filed with the commission, or if a protest has been filed and is later withdrawn or abandoned, the commission may allow the application to be presented by verified statements. If the application is processed without hearing, the applicant shall, within 15 days of being notified, submit verified statements of witnesses containing the facts to which the witnesses would testify at a hearing if one were held, and otherwise such application shall be dismissed.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-045, filed 9/17/87; Order R-70, § 480-12-045, filed 1/29/75, effective 3/1/75; Order R-48, § 480-12-045, filed 6/13/73; Order R-36, § 480-12-045, filed 4/5/72; Order R-24, § 480-12-045, filed 4/16/71; Order R-5, § 480-12-045, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-070 Permit rights defined--Classification of carriers.** Rights contained in permits shall be defined and construed, and carriers classified according to WAC 480-12-990. Where specific territory or areas in permits are designated by geographical names, these shall have the meanings stated in Appendix "A" for all permits. Example: When the term southwest Washington is used it shall mean the said specified counties or portions thereof as listed in Appendix "A."

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-070, filed 9/17/87; Order R-5, § 480-12-070, filed 6/6/69, effective 10/9/69.]

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

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

(a) A broker's compensation shall be in the form of a fixed fee or percentage of the total tariff charges which shall be fixed and established by the commission based

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

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

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

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

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

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

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

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

-----  
(Signature of forwarders)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public for the state of Washington in and for the county of \_\_\_\_\_

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

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

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

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

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

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

(6) The operating authority of a permit holder cannot be extended except upon order of the commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-110, filed 9/17/87; 82-12-062 (Order R-188, Cause No. TV-1596), § 480-12-110, filed 6/2/82; Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.]

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

Should the original permit subsequently be found, it must be forwarded to the commission immediately.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-125, filed 9/17/87; Order R-5, § 480-12-125, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-127 Registered carriers.** (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "RC." Those operating under the exemptions of the Federal Motor Carrier Act shall be prefixed "RE." Those presently holding permits with the Washington utilities and transportation commission shall be automatically converted to registered carriers with the same registration number as under their present permit. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

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

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

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-127, filed 9/17/87; Order R-34, § 480-12-127, filed 12/8/71.]

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

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

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$3.00	\$ 7.00
4,000 to 7,999 lbs.	3.00	9.00
8,000 to 11,999 lbs.	3.00	11.00
12,000 to 15,999 lbs.	3.00	13.00



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

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

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

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

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

**Option 1. Floater regulatory fee cards.**

Carriers who operate vehicles between points in this state and points outside this state exclusively in interstate commerce, and carriers who operate fleets in excess of 200 motive power units between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce may elect to purchase unassigned regulatory fee receipts at one hundred fifty percent of the applicable gross weight fee stated in subsection (2). One of these regulatory fee receipts must be carried within the cab of the

motive power vehicle when such equipment is operated in this state and must be accompanied by a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp. When applied for in this manner the fee must be that for the highest gross licensed weight of such solo or combination with which the receipt showing the payment of regulatory fees may be used.

The carrier must purchase an identification stamp for each power unit as provided for in subsection (2).

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

**Option 2. Lump sum regulatory fee payment.**

Carriers who operate fleets in excess of 200 motive power vehicles either exclusively in interstate or foreign commerce across or between points in this state and points outside this state or between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce, and who have so operated under Option 1, above, or this option for the immediately preceding calendar year, may elect to pay a lump sum regulatory fee based on the number of power units for which identification stamps have been purchased during the immediately preceding calendar year at the regulatory fee established by general order of the commission entered before October 1st of any year. These carriers must purchase an identification stamp for each power unit as provided in subsection (2). With a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp attached, no proof of regulatory fee payment need be carried.

**Option 3. Single trip transit permit.**

Carriers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may as in alternative to all other requirements of this chapter obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, out of or across the state. This permit will be issued upon payment of a fee of ten dollars and must be carried in the cab of the power vehicle. The carrier must state the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-12-350.

**Option 4. Single trip regulatory fee card.**

A carrier registered with the Washington utilities and transportation commission to engage in interstate or foreign commerce across or between points in this state and points outside of this state, may purchase single trip

regulatory fee cards, valid for five days, authorizing a one-way trip into, out of or across this state, for a fee of ten dollars each.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) When a permit is revised or extended, the commission will provide a new copy of the revised or extended authority to be retained on the carrier's vehicle(s), in addition to the cab card.

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

(11) An identification cab card may be reassigned to a substituted vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-130, filed 9/17/87. Statutory Authority: RCW 81.80.300 and 81.80.320, 78-12-088 (Order R-120, Cause No. TV-1172), § 480-12-130, filed 12/6/78; Order R-111, § 480-12-130, filed 11/23/77; Order R-76, § 480-12-130, filed 10/8/75; Order R-68, § 480-12-130, filed 9/25/74; Order R-65, § 480-12-130, filed 3/6/74; Order R-60, § 480-12-130, filed



11/28/73; Order R-52, § 480-12-130, filed 9/12/73; Order R-40, § 480-12-130, filed 12/6/72; Order R-34, § 480-12-130, filed 12/8/71; Order R-17, § 480-12-130, filed 2/3/70; Order R-5, § 480-12-130, filed 6/6/69, effective 10/9/69.]

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

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

(3) The use of an identification cab card by any person or firm other than the carrier to whom the stamp was issued is unlawful.

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

(5) Except as unassigned identification cab cards are properly used as provided for in WAC 480-12-130, each motive power vehicle must have its own assigned identification cab card, and the use of a card on a vehicle other than the one for which it has been prepared is unlawful.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-135, filed 9/17/87; Order R-5, § 480-12-135, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-150 Equipment--Name and permit number.** All common and contract carriers shall have painted in contrasting colors on both sides of their power units in letters at least three inches high, the name of the permittee, or business name, and the permit number. This rule will not apply to trucks and trailers under lease, except that such equipment shall bear a placard indicating the name and permit number of the operator of said equipment.

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

Common carriers holding both intrastate and interstate authority between points within the state and in addition possess interstate authority between points in the state and points outside the state may at their option use their ICC permit number in lieu of the Washington utilities and transportation commission permit number otherwise required by this rule upon authority of the commission so to do.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-150, filed 9/17/87; Order R-45, § 480-12-150, filed 4/18/73; Order R-40, § 480-12-150, filed 12/6/72; Order R-5, § 480-12-150, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-175 Repealed.** See Disposition Table at beginning of this chapter.

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

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on January 1, 1986, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be

placed and tightened around the completed load before the truck leaves the immediate loading area.

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

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

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

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

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

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

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

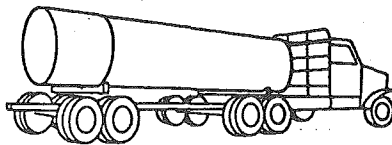
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

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

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

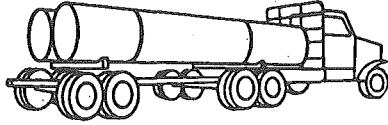
**PLACEMENT AND NUMBER OF WRAPPERS**

One log load



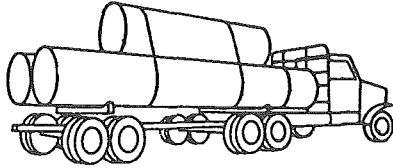
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



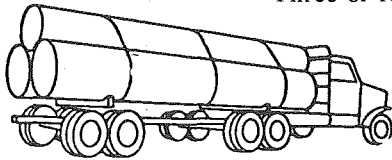
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



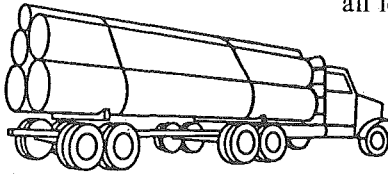
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



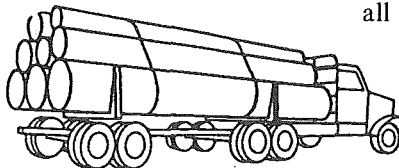
A minimum of three wrappers required.

Five or six log load  
all logs seventeen feet or less



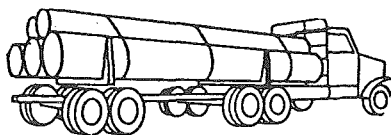
A minimum of two wrappers required.

Seven or more log load  
all logs seventeen feet or less



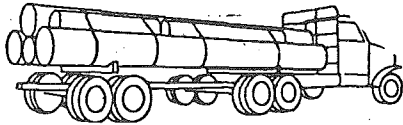
A minimum of two wrappers required.

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



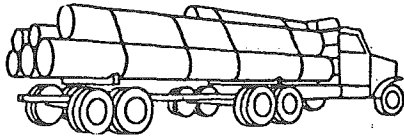
A minimum of three wrappers required.

Outside logs or top logs



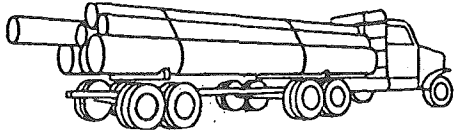
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



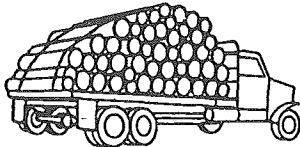
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



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

Short logs loaded crosswise



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

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

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

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

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

(6) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States

Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.49, 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, 1986, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

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

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(7) Whenever the designation "director, Bureau of Motor Carrier Safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

(8) Whenever the term "lightweight vehicle" is used in this section or is used in rules adopted herein by reference, 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, 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-180, filed 12/23/87; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-180, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290, 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-180, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80-290, 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-180, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-180, filed 1/7/81. Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290, 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290, 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-200 Accidents, reporting of.** (1) Accidents occurring in this state arising from or in connection with the operation of a motor vehicle by any common, contract, or registered carrier in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-200, filed 9/17/87. Statutory Authority: RCW 81.28.280, 81.28.290 and 81.80.130, 80-01-071 (Order

R-138, Cause No. TV-1288), § 480-12-200, filed 12/24/79; Order R-5, § 480-12-200, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-205 Passengers--Carrying prohibited--Exceptions.** No "motor carrier" shall transport persons other than as provided in CFR 49 Part 392.60.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-205, filed 9/17/87; Order R-5, § 480-12-205, filed 6/6/69, effective 10/9/69.]

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

(1) Contract requirements.

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

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

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

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

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said contract, lease, or other arrangement, except, however, in the case of long term leases providing for intermittent operations entered into between household goods carriers authorized for the intrastate transportation of household goods as defined by this commission, such provisions need only apply during the period the equipment is operated by or for the lessee. The lease shall be specific as to the responsibility of each party thereto as to fuel expense; all taxes related to equipment operation; permits of all types; tolls; ferry charges; detentions and accessorial services; base plates and licenses; tires; oil; parts; maintenance; empty miles; major and minor repairs; principal and interest on any loans secured by the equipment; property, liability, fire, theft, collision, and comprehensive insurance; and any other vehicle-related expense. All of the above expense items shall be specifically set forth and allocated between the lessor and lessee in the lease document.

Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-12-350. In addition, the lessee shall bill and collect tariff charges;

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

(f) Specify the compensation to be paid by the lessee for the rental of the leased equipment;

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

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

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

Common and contract carriers wishing to operate under the provisions of this subdivision shall apply to the

commission for permission to do so, setting forth facts supporting the application.

(2) Identification.

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

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

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

(3) Rental of equipment to private carriers, shippers, contractors and combination-of-service-carriers.

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

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

(c) Dump trucks and logging trucks shall not be leased or rented by common or contract carriers to construction contractors, loggers, combination-of-service carriers or other parties engaged in logging and construction operations: *Provided* (i) Common or contract carrier dump truckers may enter into an arrangement involving rental or leasing of trucks to highway construction contractors who are required by state or federal law to submit certified payrolls; (ii) such rental or lease arrangements must be filed with and approved by the commission; (iii) the total payments for and to the trucker under such rental or lease arrangements must be the equivalent of the charges which trucker would earn under applicable common carrier tariff rates; (iv) the contractor may not assess any charges against the carrier for accounting or bookkeeping expenses or make any deductions from rate charges earned which the common or contract carrier dump trucker is not legally liable to pay; (v) the common or contract carrier dump trucker must have the required permit authority for the territory and the commodities involved.

[Statutory Authority: RCW 80.01.040, 87-04-012 (Order R-272, Cause No. TV-2015), § 480-12-210, filed 1/23/87. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.140. 80-13-061 (Order R-151, Cause No. TV-1373), § 480-12-210, filed 9/17/80; Order R-5, § 480-12-210, filed 6/6/69, effective 10/9/69.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems



ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 480-12-235 Claims for loss or damage.** (1) All claims for loss or damage must be acknowledged within thirty days. Carrier shall institute a thorough investigation of the merits of a claim without delay and shall pay the claim, refuse payment, or make a compromise offer within one hundred twenty days. If the claim cannot be settled within this period, the carrier will then and for each sixty-day period thereafter inform the claimant, in writing, the reason for failure to conclude the claim, until such time as the claim is settled.

(2) A record shall be made by every common or contract carrier covering each and every claim for loss or damage, concealed or otherwise, filed with the carrier and settled by it. If the claim is participated in by two or more carriers the record shall so show and must be made by each carrier giving the pro rata paid by it.

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

(4) A claim record must be maintained by every carrier for a period of not less than six years and all papers relating to a particular claim properly filed therein, subject to inspection by authorized representatives of the commission.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-235, filed 9/17/87; Order R-5, § 480-12-235, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-250 Accounts--Uniform system adopted--Reports.** (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers in the state of Washington operating under chapter 81.80 RCW. A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.

(2) Classification of carriers:

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

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

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating

revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

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

(3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

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

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

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

(7) Annual reports filed by carriers holding garbage and/or refuse collection certificates and common and/or contract carrier permits must comply with reporting requirements provided in WAC 480-70-230.

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-250, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290, 81-06-060 (Order R-159, Cause No. TV-1431), § 480-12-250, filed 3/4/81; 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.]

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

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

- (a) Shipments of grain, fruits or vegetables from farms to elevators, processing plants or warehouses on hauls of not over 50 miles;
- (b) On regular milk routes from dairy farms to creamery or markets;
- (c) On dump truck work;
- (d) Shipments of forest products or coal;
- (e) Hauling of garbage or other worthless materials;
- (f) Local cartage in cities subject to regulation; and
- (g) Where other orders of the commission authorize exceptions to this rule.

The foregoing exceptions shall apply when, and only when, a daily trip record is kept showing all information

necessary for the determination of legal charges such as number of trips made, miles traveled, tonnage, number of cans, cubic yards, cords, or other transportation units, and such trip record is carried in lieu of bills of lading. Local cartage carriers in the cities subject to regulation shall use either bills of lading or a local cartage delivery sheet, way bill or expense bill containing sufficient information to indicate the origin and destination and weight of the commodity and the number of packages in the shipment.

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

(b) Documents retained by carrier must be assigned a progressive number and filed numerically. All numbers in a series shall be accounted for. Such documents must be maintained at the main office of the carrier for a period of 3 years, subject to inspection by the commission.

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

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

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

(6) Common carriers who make a regular practice of issuing freight bills (or any equivalent documents by whatever term identified including "waybills" or "expense bills") are not required to show the "rate," "freight charges" or "total to collect" on bills of lading. When freight bills or manifests are used they shall contain all the information necessary to ascertain the legal charges such as routing, exact location of shipper, origin station, exact location of consignee, destination station, number and kind of packages, complete description of goods which can be identified in tariff usage, and

weight, miles, hours, or other units on which rates or charges are based. When rates are based on hours of service, the time of beginning the service and the time that service is completed, as prescribed by applicable items in the commission's tariffs, must be shown on the billing documents. Any records required by this subsection shall be retained in the files of the carriers in the same manner and for the same period required by subsection (4) of this rule for bills of lading (shipping orders).

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

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-260, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.290, 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-260, filed 8/7/80; Order R-5, § 480-12-260, filed 6/6/69, effective 10/9/69.]

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

Tariff No.	Territory	Cost per tariff	
		*Initial Charge	Main-tenance
3-B	Spokane cartage	\$ 8.00	\$ 8.00
4-A	Special commodities (state-wide)	15.00	25.00
5-A	General freight west of cascades	15.00	35.00
6-A	General freight east of Cascades and between east and west	15.00	35.00
7-B	Bulk petroleum products	10.00	25.00
9	General freight in King, Pierce, Snohomish & Thurston counties	15.00	30.00
10	Mileage circular	8.00	8.00
12	Local areas	10.00	8.00

Tariff No.	Territory	Cost per tariff	
		*Initial Charge	*Annual Maintenance
13	Bulk commodities except petroleum	15.00	25.00
14	Mobile homes (towaway)	8.00	8.00
15	Household goods	8.00	12.00

\*Subject to Washington state retail sales tax.

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

Month Purchased	Fee Payable
January, February, March	In full
April, May, June	Three-quarters
July, August, September	One-half
October, November, December	One-quarter

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

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

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission.

[Statutory Authority: RCW 80.01.040. 87-23-029 (Order R-280, Cause No. TV-2113), § 480-12-285, filed 11/12/87. Statutory Authority: RCW 80.01.040 and 81.80.290. 86-03-040 (Order R-249, Cause No. TV-1924), § 480-12-285, filed 1/13/86. Statutory Authority: RCW 80.01.040. 81-23-018 (Order R-177, Cause No. TV 1545), § 480-12-285, filed 11/13/81. Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.]

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

- (1) Application for changes in rates shall be given a docket number when received by the commission.
- (2) Proposals must be submitted to the commission not later than the first Monday of each month.

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

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

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

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

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

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

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

(10) The procedures outlined in this rule are intended to cover only those rate adjustments which can be heard in a relatively informal manner and which require a minimum of explanation or proof. The commission may require that proposals which would significantly affect the revenues of a carrier or of a group of carriers, or which would significantly alter an established rate pattern, be submitted in accordance with the commission's rules of practice and procedure and be heard under more formal procedures.

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-295, filed 9/17/87; Order R-5, § 480-12-295, filed 6/6/69, effective 10/9/69.]

**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, at the local district office, 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, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-321, filed 9/17/87; 84-21-120 (Order R-221, Cause No. TV-1816), § 480-12-321, filed 10/24/84.]

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

(2) The term "local moving" means all hauls within the limits of any city and all hauls of thirty-five constructive miles or less, as well as other specified hauls for which rates are prescribed on a time basis in Items 82 and 84 of the commission's Tariff 15, or reissues thereof. All other moves are to be termed "long distance moving."

[Statutory Authority: RCW 80.01.040, 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-400, filed 12/23/87. Statutory Authority: RCW 80.01.040 and 81.80.290, 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-400, filed 9/9/81; Order R-5, § 480-12-400, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-435 Estimates of charges.** (1) **Estimates by the carrier.** Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator, shall be in writing, and shall contain the following:

(a) The name and address of the carrier which is to perform the service and the name and title of the person preparing the estimate.

(b) The origin and destination of the proposed movement, and the mileage between such points.

(c) The applicable rate to be applied.

(d) A list of the articles upon which the estimate is based, showing for each article listed the estimated cubic footage thereof.

(e) The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot.

(f) An itemized statement of all known accessorial services to be performed, and articles supplied, and the charges therefor.

(g) An estimate of the total charges, including transportation charges, and charges for accessorial services.

(h) A printed statement (in contrasting lettering) on the face thereof, in not less than eight-point bold or full-faced type, as follows:

#### IMPORTANT NOTICE

This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Transportation charges are based upon the weight of the goods transported, and such charges may not generally be determined prior to the time the goods are loaded on the van and weighed.

No guarantee can be made as to the specific dates of pickup or delivery of your shipment, unless you make special arrangements with the carrier for expedited service, for which an additional charge will normally be made.

(i) Written estimates, where furnished shall be kept on file in the office of the originating carrier, for the same period that bills of lading are required to be preserved.

(j) Oral estimates of charges are prohibited. When requested to make an oral estimate, by telephone or otherwise, the carrier shall inform the shipper that such oral estimates are prohibited and that carriers are permitted to quote only the applicable legal rates for the requested service.

(2) **Estimate form for shipper's use.** Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(3) **Weight of shipment, notification to shipper.** After the shipment has been weighed, the carrier, if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notices shall be at the carrier's expense, unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(4) **Reweighing.** The carrier shall, upon request, made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed 100 pounds on shipments weighing 5,000 pounds or less, and 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining applicable charges.

(5) **Supplemental estimate.** When a written estimate has been given a shipper under this section, and services

not included in the original estimate are required, a supplement to the original estimate shall be prepared, acknowledged in writing by the shipper, and attached to the original estimate or to the bill of lading. Supplements shall be retained by the carrier as provided in subsection (1)(i) of this section.

(6) **Charges in excess of estimate.** At the time of delivery of a collect on delivery shipment in which an estimate of the approximate cost has been provided by the carrier in accordance with this section, the carrier shall, at the request of the shipper, relinquish possession of the shipment upon payment of not more than one hundred ten percent of the estimated charges, and collection of the balance shall be deferred for not more than thirty days following delivery of the shipment. This provision shall not be applicable when shipment has been delivered to a warehouse for storage at the request of the shipper.

[Statutory Authority: RCW 80.01.040, 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-435, filed 12/23/87; Order R-5, § 480-12-435, filed 6/6/69, effective 10/9/69.]

**WAC 480-12-445 Information to shipper.** Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

GENERAL INFORMATION FOR SHIPPERS  
OF HOUSEHOLD GOODS BY MOTOR CARRIERS  
IN INTRASTATE COMMERCE

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington utilities and transportation commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

**Estimates.** REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs published by the Washington utilities and transportation commission. The total charges which you will be required to pay may be

more, or less, than the estimate received from the carrier. Any services not included on the original estimate of charges must be listed on a supplemental estimate and acknowledged in writing by the shipper prior to the performance of the additional services.

**Tariff.** This is a publication by the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

**Preparing articles for shipment.** If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

**Transportation rates and released values.** Rates are stated on an hourly basis for local moving within towns or cities or for any distance thirty-five miles or less. The base rates are established for declared valuation of the shipment, which establishes the amount a shipper may recover from the carrier if the goods are lost or damaged. The base rates apply if the shipper releases the goods at a value of sixty cents per pound per article. When a released valuation is established by the shipper in excess of sixty cents per pound per article on a lump sum for the entire shipment, then an excess valuation charge will apply. Alternatively, you may elect to ship at the base rate and arrange, at your own expense, to obtain insurance to protect you for a greater amount. Rates for hauling within Washington beyond thirty-five miles are stated in amounts per one hundred pounds, depending on the distance involved. The charges will vary according to the released or declared value of the shipment. The carrier's tariff provides that at its base rates the carrier's responsibility for loss or damage caused by it is limited to sixty cents per pound of actual

weight of each lost or damaged article. If you wish to be paid full value for lost or damaged items which are worth more than sixty cents per pound, you must declare, before shipping, a lump sum value and pay an extra charge for such value. Payment of the charge establishes the declared value as the maximum amount you may recover from the carrier for loss or damage, unless the damage is caused by an event or development excluded by the terms of the carrier's printed bill of lading, of which you should have a copy. If you do not declare any lump sum value, or a value less than one dollar and twenty-five cents per pound, the shipment will be deemed to have been released at one dollar and twenty-five cents per pound, and an additional charge per one hundred dollars of value will be applied. If you wish to avoid these extra charges, you must agree, in writing, on the bill of lading, that if any articles are lost or damaged, the carrier's liability will not exceed sixty cents per pound for the actual weight of any lost or damaged articles in the shipment.

**Cargo protection.** A carrier's liability for loss or damage is limited by the bill of lading, the value of goods declared thereon by the shipper, and its tariffs. If greater protection than that afforded under the lowest transportation rate is desired, the shipper will be required to so indicate on the bill of lading prior to the time the goods are loaded. The carrier will assess a transportation valuation charge on the freight bill for the greater protection.

**Weights.** The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than one thousand pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed one hundred pounds (if your shipment weighs five thousand pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than five thousand pounds). The lower of the two net weights must be used in determining the charges.

**Exclusive use of the vehicle.** If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

**Expedited service.** Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight - usually five thousand pounds - will be delivered on or before the

date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (five thousand pounds) and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

**Small shipments.** If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items is taken into consideration.

**Storage in transit.** In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

**Bill of lading.** Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

**Payment of charges - freight bill.** You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than thirty-five miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per one hundred pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under thirty-five miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver



will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

**Loss or damage.** If loss or damage is detected when the goods are delivered by the carrier, the fact of such loss or damage should be recorded by the shipper on the bill of lading, or delivery record. All claims for loss or damage must be filed with the carrier, in writing within nine months of delivery. Although the carriers are subject to the rules and regulations of the Washington utilities and transportation commission the commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington.

[Statutory Authority: RCW 80.01.040, 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-445, filed 12/23/87; 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-445, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290, 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-445, filed 9/9/81; Order R-5, § 480-12-445, filed 6/6/69, effective 10/9/69.]

## Chapter 480-30 WAC

### AUTO TRANSPORTATION COMPANIES

#### WAC

480-30-050	Tariff, naming rates and fares.
480-30-060	Schedule of time and route.
480-30-130	Rules and regulations—General application.

#### 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, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002."

(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, 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-050, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

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

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

**5th.** Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and

date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

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

(3) Time schedules must show:

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

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

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

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

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of  
**Walter A. Keys,** (Certificate No. 88)  
Operating under Trade Name of  
**Wenatchee-Cashmere Stage Line**  
**MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE**  
Between  
**Wenatchee, Wash., and Cashmere, Wash.**  
With Terminal Depots at  
**123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere**  
via the following route:  
West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967  
Issued by **Walter A. Keys**  
Title, Owner and Manager  
St. Address, **123 So. Wenatchee Ave.**  
City and State, **Wenatchee, Wash.**

Effective June 23, 1967

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	3:30	0.0	Wenatchee	Ar. 10:40	1:10	3:10
" 11:08	1:38	3:38	2.7	Wenatchee River Bridge	Lv. 10:32	1:02	3:02
" 11:09	1:39	3:39	3.3	Olds Corner	" 10:31	1:01	3:01
" 11:12	1:42	3:42	4.4	Sunnyslope	" 10:29	12:59	4:59
" 11:16	1:46	3:46	6.0	Burkeys Corner	" 10:22	12:52	4:52
" 11:23	1:53	3:53	8.1	Monitor P. O.	" 10:16	12:46	4:46
" 11:29	1:59	3:59	9.3	Red Bridge	" 10:11	12:41	4:41
Ar. 11:40	2:10	4:10	12.5	Cashmere	Lv. 10:00	12:30	4:30

Explanatory notes:

Time Schedule No. 2  
Cancels  
Time Schedule No. 1

**TIME SCHEDULE**  
of  
**Walter A. Keys,** (Certificate No. 88)  
Operating under Trade Name of  
**Wenatchee-Cashmere Stage Line**

**MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE**  
Between  
**Wenatchee, Wash., and Cashmere, Wash.**

With Terminal Depots at  
**123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere**  
via the following route:  
West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967  
Issued by **Walter A. Keys**  
Title, Owner and Manager  
St. Address, **123 So. Wenatchee Ave.**  
City and State, **Wenatchee, Washington**

Effective June 10, 1967  
Authority  
**M. V. L. S. N. No. 460**  
Dated June 8, 1967

**WESTBOUND**

Mileage	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	" 7:08	8:38	11:08	1:38	3:38	5:38	9:38
3.3	Olds Corner	" 7:09	8:39	11:09	1:39	3:39	5:39	9:39
4.4	Sunnyslope Bridge	" 7:12	8:42	11:12	1:42	3:42	5:42	9:42
6.0	Burkeys Corner	" 7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O.	" 7:23	8:53	11:23	1:53	3:53	5:53	9:53
9.3	Red Bridge	" 7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere	Ar. 7:40	9:10	11:40	2:10	4:10	6:10	10:10

**EASTBOUND**

Mileage	From Cashmere to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	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
9.2	Olds Corner	" 8:31	10:01	1:01	3:01	5:01	6:51	10:46
8.3	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.

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

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

1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

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

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

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

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

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: *Provided, however,* That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

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

(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. 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-060, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.]

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

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

1st. Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.

2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-130, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-130, filed 7/11/84; Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.]

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

WAC	
480-40-010	Definitions.
480-40-020	Licenses.
480-40-030	Certificates.
480-40-033	Repealed.
480-40-036	Repealed.
480-40-039	Repealed.
480-40-040	Liability and property damage insurance.
480-40-050	Self insurance.
480-40-060	Equipment of motor vehicles.
480-40-070	Operation of motor vehicles.
480-40-075	Equipment--Safety.
480-40-080	Repealed.
480-40-090	Repealed.
480-40-110	Registered carriers.
480-40-120	Registration of interstate authority.
480-40-130	Identification cards.
480-40-140	Cards--Return required--Loss of--Improper use of cards or stamps.

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

480-40-033	Equipment operated. [Order R-12, § 480-40-033, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
480-40-036	Records. [Order R-12, § 480-40-036, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
480-40-039	Tariffs. [Order R-72, § 480-40-039, filed 4/23/75; Order R-14, § 480-40-039, filed 1/6/70; Order R-12, § 480-40-039, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
480-40-080	Fees and gross operating revenue. [Statutory Authority: RCW 80.01.040 and 81.70.130. 84-15-024 (Order R-216, Cause No. TCH-1787), § 480-40-080, filed 7/11/84; Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
480-40-090	Rules and regulations. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-40-090, filed 12/23/87; Order R-12, § 480-40-090, filed 11/28/69; Order R-5, § 480-40-090, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

**WAC 480-40-010 Definitions.** (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of these regulations, be given the meaning hereinafter subjoined to them:

- (2) The word "state" means the state of Washington.
- (3) The word "commission" means the Washington utilities and transportation commission.
- (4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.
- (5) "Public highway" includes every public street, road or highway in this state.
- (6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.
- (7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

- (8) This chapter does not apply to:
  - (a) Persons operating motor vehicles wholly within the limits of incorporated cities;
  - (b) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, when operated as such;
  - (c) Passenger vehicles carrying passengers on a non-commercial enterprise basis;
  - (d) Operators of charter boats operating on waters within or bordering this state.

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-010, filed 8/26/88; Order R-72, § 480-40-010, filed 4/23/75; Order R-12, § 480-40-010, filed 11/28/69; Order R-5, § 480-40-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-020 Licenses.** No motor vehicle shall be operated upon the public highways of this state by any charter party carrier of passengers until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-020, filed 8/26/88; Order R-12, § 480-40-020, filed 11/28/69; Order R-5, § 480-40-020, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-030 Certificates.** (1) No person may operate, establish, or engage in the business of a charter party carrier of persons over any public highway in this state, without first having obtained a certificate from the commission.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade

name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

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

(5)(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by filing fee named in subsection (7) of this section.

(b) No charter party certificate or right to conduct any of the service therein authorized shall be leased, assigned or otherwise transferred except in its entirety unless the portion thereof not to be leased, assigned, or otherwise transferred is to be immediately cancelled.

(6)(a) All applications for original certificates (including extensions of certificates), shall be on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection (7) of this section.

(b) A certificate shall be issued to any qualified applicant authorizing, in whole or in part, the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and to conform to the provisions of the laws governing charter party carriers of passengers and the rules and regulations of the commission.

(c) Before a certificate is issued, the commission shall require the applicant to meet certain safety requirements and show proof of minimum financial responsibility as set forth in this chapter.

(7) Miscellaneous fees:

Original application for certificate . . .	\$150.00
Application for extension of certificate . . . . .	150.00
Application to lease, assign, or otherwise transfer or encumber a certificate . . . . .	150.00
Application for issuance of duplicate certificate . . . . .	5.00

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

(9) The commission may cancel, revoke, or suspend any certificate issued under this chapter on any of the following grounds:

(a) The violation of any of the provisions of chapter 81.70 RCW;

(b) The violation of an order, decision, rule, regulation, or requirement established by the commission pursuant to the law governing charter party carriers of passengers;

(c) Failure of a charter party carrier of passengers to pay a fee imposed on the carrier within the time required by law;

(d) Failure of a charter party carrier to maintain required insurance coverage in full force and effect; or

(e) Failure of the certificate holder to operate and perform reasonable service.

(10) After the cancellation or revocation of a certificate, or during the period of its suspension, it is unlawful for a charter party carrier of passengers to conduct any operations as such a carrier.

(11) Whenever an order is entered by the commission cancelling or revoking a previous order granting a certificate or cancelling or revoking a certificate already issued, and subsequently an application is made, such application shall be filed in the manner required as for the original.

(12) Remittances shall be made by money order, bank draft, or check, made payable to the Washington utilities and transportation commission.

[Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-030, filed 8/26/88; Order R-61, § 480-40-030, filed 12/19/73; Order R-50, § 480-40-030, filed 8/8/73; Order R-14, § 480-40-030, filed 1/6/70; Order R-12, § 480-40-030, filed 11/28/69; Order R-5, § 480-40-030, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-033 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 480-40-036 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 480-40-039 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 480-40-040 Liability and property damage insurance.** (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall issue, the applicant shall file with the commission, evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$100,000	\$ 100,000	\$ 100,000	\$ 100,000

	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$500,000	\$ 2,500,000	\$ 1,000,000	\$ 5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

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

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

(3) All liability and property damage insurance policies issued to charter party carriers of passengers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

[Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-040, filed 8/26/88; Order R-110, § 480-40-040, filed 10/19/77; Order R-12, § 480-40-040, filed 11/28/69; Order R-5, § 480-40-040, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-050 Self insurance.** (1) Every charter party carrier of passengers which qualifies as a self-insurer under the provisions as set forth in section 9, chapter 30, Laws of 1988, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: *Provided, however,* That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier qualified and acting under the self-insurer provisions of section 9, chapter 30, Laws of 1988, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1).

[Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-050, filed 8/26/88; Order R-12, § 480-40-050, filed 11/28/69; Order R-5, § 480-40-050, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-060 Equipment of motor vehicles.** (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

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

"W.U.T.C.  
CH-----"

In the event a certificate is revoked or cancelled or the equipment sold the carrier shall immediately remove its certificate number from its vehicles.

(3) Motor vehicles used in the transportation of passengers shall have displayed thereon the company name and number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible.

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

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-060, filed 8/26/88; Order R-12, § 480-40-060, filed 11/28/69; Order R-5, § 480-40-060, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-070 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 383, 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) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(b) With respect to the limited exemptions prescribed in 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) 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, 1988, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier 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: 1-206-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, 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 (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-070, filed 8/26/88; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-40-070, filed 11/7/85. Statutory Authority: RCW 81.70.130 and 81.70.140, 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-070, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140, 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.]

**WAC 480-40-075 Equipment--Safety.** In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 390.17, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on January 1, 1988,



are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW.

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

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-075, filed 8/26/88. Statutory Authority: RCW 81.70.130 and 81.70.140, 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-075, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140, 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-075, filed 8/14/80.]

**WAC 480-40-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 480-40-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 480-40-110 Registered carriers.** (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "CH." Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as part 1023 of Title 49, Code of Federal Regulations.

(3) Registered carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a certificate of insurance.

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-110, filed 8/26/88.]

**WAC 480-40-120 Registration of interstate authority.** (1) It shall be unlawful for any charter party carrier of passengers to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the commission.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee. Applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for charter party carriers of passengers who have not previously filed currently effective applications for such registration.

[Statutory Authority: RCW 80.01.040, 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-120, filed 8/26/88.]

**WAC 480-40-130 Identification cards.** (1) No motor vehicle operated by a charter party carrier of passengers upon the highways of this state shall be so operated without having available within the vehicle a valid identification cab card properly signed and with appropriate stamp affixed or equivalent thereof. Such identification card shall be subject to inspection by the commission's representatives at all times.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee. The cost of the stamp shall be three dollars.

(3) The regulatory fee shall be seven dollars per vehicle. Under section 15, chapter 30, Laws of 1988, the annual regulatory fee shall be established by the commission but not to exceed the cost of supervising and regulating such carriers.

(4) In lieu of the payment of a full regulatory fee for each vehicle operated upon the public highways of the state of Washington, the regulatory fee may, at the request of the carrier, be paid on the basis of the following option:

Lump sum regulatory fee payment. Carriers who operate fleets in excess of fifty motor power vehicles upon the public highways of the state of Washington may elect to pay a lump sum regulatory fee based on the number of vehicles operated during the previous year, at the regulatory fee established by general order of the commission entered before November 1st of any year.

(5) Charter party carriers of passengers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may, as an alternative to all other requirements of this chapter, obtain a single trip transit permit, valid for ten days authorizing one trip, entering or across the state. This permit will be issued upon payment of a fee of ten dollars. The carrier must provide the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-40-040.

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

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

(8) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements.

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

(10) An identification cab card may be reassigned to a substitute vehicle (power unit) only when the original

vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

[Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-130, filed 8/26/88.]

**WAC 480-40-140 Cards--Return required--Loss of--Improper use of cards or stamps.** (1) Upon revocation of a permit or cessation or abandonment of service under a permit, or when equipment is repossessed, the holder thereof shall immediately return to the commission the original permit, together with identification cab cards.

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

(3) The use of an identification cab card by any person or firm other than the carrier to whom the stamp was issued is unlawful.

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

[Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-140, filed 8/26/88.]

#### Chapter 480-70 WAC

#### GARBAGE AND/OR REFUSE COLLECTION COMPANIES

##### WAC

480-70-010 Communications.  
480-70-020 Documents--When filed.

**WAC 480-70-010 Communications.** (1) Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Every certificate holder, in addressing communications to the commission, must use the name shown upon his certificate and indicate certificate number.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-70-010, filed 12/23/87; Order R-43, § 480-70-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-010, filed 6/6/69, effective 10/9/69.]

**WAC 480-70-020 Documents--When filed.** Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common or contract carriers, certificates of public convenience and necessity, or extensions thereof, or any other matter required to be served upon or filed with the Washington utilities and transportation commission, shall be served upon or filed upon said commission at its offices, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application or other matter required to be served

upon or filed with the Washington utilities and transportation commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for common or contract carrier certificates of public convenience and necessity, or for extensions thereof may be transmitted to the district offices for forwarding to the office of the commission at Olympia, but are not considered as served or filed until they are received at said Olympia offices.

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-70-020, filed 12/23/87; Order R-43, § 480-70-020, filed 4/5/73 and 4/18/73; Order R-5, § 480-70-020, filed 6/6/69, effective 10/9/69.]

#### Chapter 480-80 WAC

#### UTILITIES GENERAL--TARIFFS

##### WAC

480-80-041 Tariff.  
480-80-050 Copies of tariff to be filed.  
480-80-125 Notice by utility to customers concerning hearing.  
480-80-330 Special contracts.  
480-80-335 Special contracts for electric, water, and natural gas utilities.

**WAC 480-80-041 Tariff.** Services which the commission has classified as competitive telecommunications services, including all services offered by companies which the commission has classified as competitive telecommunications companies, are exempted from the requirement to file tariffs. Price lists for services exempted from the requirement to file tariffs shall be filed in accordance with WAC 480-120-027. Price list changes must be provided in triplicate and be accompanied by a letter of transmittal describing the changes proposed.

[Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-041, filed 11/30/87.]

**WAC 480-80-050 Copies of tariff to be filed.** Three copies of each tariff shall be sent to the commission accompanied by a letter of transmittal. The letter of transmittal must describe any proposed changes to existing tariffs. One copy will then be returned to the utility by the commission, after processing, with the receipt date noted thereon.

[Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-050, filed 11/30/87; Order R-5, § 480-80-050, filed 6/6/69, effective 10/9/69.]

**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) 753-6451 or write to:

Secretary  
Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-8002.

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 Increases or Increases in Unit Price	Typical Increase in Average Bill (Dollars)
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(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, 88-01-115 (Order R-283, Cause No. T-2118), § 480-80-125, filed 12/23/87; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-125, filed 9/19/85; 82-13-088 (Order R-184, Cause No. U-82-03), § 480-80-125, filed 6/23/82. Statutory Authority: RCW 80.01.040(4) and 80.04.160, 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.]

**WAC 480-80-330 Special contracts.** Every utility shall submit to the commission a true copy of any special contract entered into governing the sale or purchase by it of telephone service[,] or other public utility service or commodity when the rate for such service is not specifically covered in the regular tariff and referred to in the contract as controlling and the commission shall be kept current in that regard: *Provided*, That this section shall not apply to contracts entered into by electric, gas, and water utilities, which utilities shall be subject to WAC 480-80-335.

[Statutory Authority: RCW 80.01.040, 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-330, filed 10/28/88; Order R-5, § 480-80-330, filed 6/6/69, effective 10/9/69.]

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

**WAC 480-80-335 Special contracts for electric, water, and natural gas utilities.** (1) All contracts for the retail sale of regulated utility services by electric, water, or natural gas utilities to end-use customers which contain or state rates or conditions which do not conform to any applicable tariff or which provide for utility services which are not specifically addressed in the utility's published tariffs shall be filed with the commission.

(2) This rule shall apply prospectively to all contracts, as defined in subsection (1), executed after (the effective date of this rule).

(3) All contracts filed pursuant to this section have the same effect as filed tariffs and are subject to enforcement, supervision, regulation, and control as such. The provisions of this chapter shall apply except for those provisions governing the filing, notice, and form of tariffs, including those stated in WAC 480-80-060 through 480-80-320.

(4) Each such contract shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms the thirty-first day from the date of its filing unless earlier approved, suspended, or rejected by the commission: *Provided*, That upon application and for good cause shown, the commission may approve the contract as of an effective date prior to the date that the contract would have become effective in accordance with this rule.

(5) Each contract filed for commission approval shall be accompanied by such documentation as may be necessary to show that the contract does not result in discrimination between customers receiving like and contemporaneous service under substantially similar circumstances and provides for the recovery of all costs associated with the provision of the service. In addition, the utility shall file the following information in conjunction with each contract submitted for commission approval:

(a) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge;

(b) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract; and

(c) A statement indicating the basis for the use of a contract rather than a filed tariff for the specific service involved.

(6) All contracts shall be for a stated time period. The commission may approve terms and conditions which prescribe the rate or rates to be applied during the time period, if such rates are found to be appropriate. Unless otherwise provided by the commission, such approval shall not be determinative with respect to the expenses

and revenues of the utility for subsequent ratemaking considerations.

[Statutory Authority: RCW 80.01.040, 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-335, filed 10/28/88.]

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

#### WAC

480-90-021	Glossary.
480-90-051	Deposits.
480-90-071	Discontinuance of service.
480-90-072	Payment arrangements and responsibilities.
480-90-191	Least cost planning.

**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 a grantee of the department of community development.

(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, 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-021, filed 11/15/84; Order R-27, § 480-90-021, filed 7/15/71.]

**WAC 480-90-051 Deposits.** (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

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

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the

applicant is currently employed or has a regular source of income.

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

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

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

(2) Establishment of credit – nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

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

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

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service; provided, that during the winter period no deposit may be required of a customer who in accordance with WAC 480-90-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

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

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

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

(6) Interest on deposits. Interest on deposits held shall be accrued at 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 the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

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

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

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

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

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

(c) Refunds – how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

[Statutory Authority: RCW 80.01.040, 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-051, filed 11/12/87; 86-07-031 (Order R-255, Cause No. U-85-80, § 480-90-051, filed 3/14/86; Order R-83, § 480-90-051, filed 6/30/76; Order R-27, § 480-90-051, filed 7/15/71.]



**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, unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-90-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(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, 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.

(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, 88-07-070 (Order R-284, Cause No. U-87-1525-R) § 480-90-071, filed 3/18/88; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-071, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-071, filed 11/15/84. Statutory Authority: RCW 80.01.040 and 80.04.160, 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-071, filed 12/23/80; Order R-83, § 480-90-071, filed 6/30/76; Order R-27, § 480-90-071, filed 7/15/71.]

**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 which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(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 plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the customer shall not be in default unless payment during this period is less than the amount calculated in accordance with the formula above;

(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) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) 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 the bill currently or a deposit, unless there are extenuating circumstances;

(b) Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(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 available 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, 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-072, filed 11/15/84.]

**WAC 480-90-191 Least cost planning.** (1) Purpose and process. Each gas utility regulated by the commission has the responsibility to meet system demand at the least cost to the utility and its ratepayers. Therefore, a "least cost plan" shall be developed by each gas utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public shall be required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of, and reporting for the least cost plan and the public involvement strategy shall be outlined in a work plan developed by the company after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the strategies for purchasing gas and improving the efficiencies of gas use that will meet current and future needs at the lowest cost to the utility and its ratepayers consistent with needs for security of supply.

(3) Each gas utility shall submit to the commission on a biennial basis a least cost plan that shall include:

(a) A range of forecasts of future gas demand in firm and interruptible markets for each customer class for one, five, and twenty years using methods that examine the impact of economic forces on the consumption of gas and that address changes in the number, type, and efficiency of gas end-uses.

(b) An assessment for each customer class of the technically feasible improvements in the efficient use of gas, including load management, as well as the policies and programs needed to obtain the efficiency improvements.

(c) An analysis for each customer class of gas supply options, including:

(i) A projection of spot market versus long-term purchases for both firm and interruptible markets;

(ii) An evaluation of the opportunities for using company-owned or contracted storage or production;

(iii) An analysis of prospects for company participation in a gas futures market;

(iv) An assessment of opportunities for access to multiple pipeline suppliers or direct purchases from producers.

(d) A comparative evaluation of gas purchasing options and improvements in the efficient use of gas based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the strategies designed to meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan shall include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings before the commission.

[Statutory Authority: RCW 80.01.040, 87-21-031 (Order R-274, Cause No. U-86-142), § 480-90-191, filed 10/12/87.]

### Chapter 480-100 WAC ELECTRIC COMPANIES

#### WAC

480-100-021	Glossary.
480-100-051	Deposits.
480-100-071	Discontinuance of service.
480-100-072	Payment arrangements and responsibilities.
480-100-251	Least cost planning.

**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 a grantee of the department of community development.

(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, 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-021, filed 11/15/84; Order R-29, § 480-100-021, filed 7/15/71.]

**WAC 480-100-051 Deposits.** (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

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

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

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

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

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

(2) Establishment of credit – nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

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

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

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company; or where two or

more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service; provided, that during the winter period no deposit may be required of a customer who, in accordance with WAC 480-100-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

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

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

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

(6) Interest on deposits. Interest on deposits held shall be accrued at 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 the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, alternative to deposit, next below.

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

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

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

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

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

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

[Statutory Authority: RCW 80.01.040, 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-051, filed 11/12/87; 86-07-032 (Order R-256, Cause No. U-85-81), § 480-100-051, filed 3/14/86; Order R-84, § 480-100-051, filed 6/30/76; Order R-29, § 480-100-051, filed 7/15/71.]

**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 unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-100-072 (4)(a) and

has satisfied the remaining requirements to qualify for a payment plan.

(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, 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.

(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. 88-07-070 (Order R-284, Cause No. U-87-1525-R), § 480-100-071, filed 3/18/88; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-071, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-071, filed 11/15/84. Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-071, filed 1/20/81; Order R-84, § 480-100-071, filed 6/30/76; Order R-29, § 480-100-071, filed 7/15/71.]

**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 which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(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 plus one-twelfth of any billings accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during



this period, but the customer shall not be in default unless payment during this period is less than the amount calculated in accordance with the formula above;

(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) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) 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 the bill currently or a deposit, unless there are extenuating circumstances;

(b) Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(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 available 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. 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-072, filed 11/15/84.]

**WAC 480-100-251 Least cost planning.** (1) Purpose and process. Each electric utility regulated by the commission has the responsibility to meet its load with a least cost mix of generating resources and improvements in the efficient use of electricity. Therefore, a "least cost plan" shall be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public shall be required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of, and reporting for the least cost plan and the public involvement strategy shall be outlined in a work plan developed by the company after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the mix of generating resources and improvements in the efficient use of electricity that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(3) Each electric utility shall submit to the commission on a biennial basis a least cost plan that shall include:

(a) A range of forecasts of future demand using methods that examine the impact of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses.

(b) An assessment of technically feasible improvements in the efficient use of electricity, including load management, as well as currently employed and new policies and programs needed to obtain the efficiency improvements.

(c) An assessment of technically feasible generating technologies including renewable resources, cogeneration, power purchases from other utilities, and thermal resources (including the use of combustion turbines to utilize better the existing hydro system.)

(d) A comparative evaluation of generating resources and improvements in the efficient use of electricity based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the mix of resources that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan shall include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings, including the review of avoided cost determinations, before the commission.

[Statutory Authority: RCW 80.01.040. 87-11-045 (Order R-273, Cause No. U-86-141), § 480-100-251, filed 5/19/87.]

**Chapter 480-120 WAC**  
**TELEPHONE COMPANIES**

## WAC

480-120-027	Price lists.
480-120-031	Accounting.
480-120-056	Deposits.
480-120-089	Information delivery services.

**WAC 480-120-027 Price lists.** (1) Pursuant to RCW 80.36.310 telecommunications services classified by the commission as competitive will be offered under price lists. All services of competitive telecommunications companies as classified by the commission under RCW 80.36.310 will be offered under price lists.

(2) All price lists filed with the commission must describe the service being offered and all prices, charges, terms, and conditions pertaining thereto. Each page of every price list shall contain, in general, the company name, the page number, and the effective date. All subsequent revisions of a price list shall bear consecutive revision numbers. Price lists must provide sufficient detail for customers and potential customers reasonably to determine what is being offered and what charges the customer incurs in obtaining the service.

[Statutory Authority: RCW 80.01.040, 87-24-055 (Order R-282, Cause No. U-86-125), § 480-120-027, filed 11/30/87.]

**WAC 480-120-031 Accounting.** (1) Except as provided in this rule, the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Part 32, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington.

(2) Telecommunications companies operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	Equal to or Exceeding \$25,000,000
B	Less than \$25,000,000

Upon notice to the commission in writing filed not later than December 15, 1987 all carriers must state their intention to implement the FCC Part 32 Uniform System of Accounts as either a Class A or Class B carrier, and seek commission approval for such classification. After November 1, 1987, upon notice to the commission, and if authorized by the commission, a company desiring more detailed accounting may adopt the accounts prescribed for a higher classification. Upon such notification, companies in the lower classification shall be required to comply with the more detailed accounting and reporting specified for the higher classification. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to the higher classification.

(3) Jurisdictional differences. For Account 7910—Income effect of jurisdictional ratemaking differences—

Net; Account 1500—Other jurisdictional assets—Net; Account 4370—Other jurisdictional liabilities and deferred credits—Net, and in a subaccount of Account 4550—Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission.

(a) All local exchange telecommunications companies shall account as of January 1, 1988, for any embedded jurisdictional ratemaking differences by incorporating any previous jurisdictional differences side-records accounts, and any other accounting directives made by the commission, into the appropriate jurisdictional differences account.

(b) All companies shall expense currently any costs associated with the implementation of Part 32.

(c) During the period beginning January 1, 1988, and concluding December 31, 1988, each telecommunications company required to file monthly or quarterly reports shall file its periodic reports showing, at a minimum, total revenues, expenses, taxes, net operating income and rate base. To the extent possible, prior periods should be restated for purposes of data continuity. After December 31, 1988 normal reporting requirements will resume.

(d) All companies shall keep subsidiary records as may be necessary to report readily the source of Washington intrastate local exchange network services revenues by residential and business class of service.

(e) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084—State access revenue, showing separately intrastate revenues from end users (subscriber line charges), special access revenues, and interLATA and intraLATA access revenues, which shall be identified as either traffic sensitive, non-traffic sensitive, independent company settlements, or other access revenues.

(f) Any company filing with the FCC reports in compliance with the requirements of Part 32, Paragraph 32.25 of Subpart B, Unusual Items and Contingent Liabilities, relating to extraordinary items, prior period adjustments, or contingent liabilities shall file a copy of such report concurrently with this commission.

(g) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

When the asset in question has never been used in the provision of utility service, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their fair market value or the present value of the minimum lease payments.

(h) Unless specific exceptions are granted, or required, all companies shall keep records for ratemaking and/or booking purposes which flow-through tax benefits to the extent permitted by federal tax regulations. Any jurisdictional ratemaking differences, created by this rule, shall be reflected in accounts provided in Part 32 for jurisdictional differences, more specifically Accounts 1500, 4370, and 7910. See sections 3(i) and 3(m) for further exceptions to this rule.

(i) As to compensated absences and sick pay, if payment of nonvesting accumulated sick pay benefits depends on the future illness of an employee, companies shall not accrue a liability for such an expense for purposes of portraying results of operations until such sick pay is actually paid. In addition, if a company accrues expenses for compensated absences before such expenses are actually deductible for federal income tax purposes, then an exception to the flow-through accounting requirement in section 3(h) is required. In such a case, a normalized tax accounting treatment will be required.

(j) No depreciation expense will be allowed for ratemaking purposes on amounts included in Account 2002—Property held for future telecommunications use. If a company records depreciation on amounts in this account, it shall record the jurisdictional difference in a separate subaccount of the designated jurisdictional differences accounts.

(k) Any property acquired from a non-affiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts.

(l) Amounts booked to Account 2005—Telecommunications plant adjustment, shall be treated as non-

operating investment, and shall not be included in any rate base account without the expressed permission of the commission. Unless an alternate treatment has been authorized by the commission, any amortization taken on amounts in Account 2005 will be treated as though charged to Account 7360—Other nonoperating income, or other nonoperating accounts as required.

(m) If a company is allowed to convert to a GAAP accounting treatment of an item, or allowed other accounting changes which call for the accrual of expenses before such expenses are deductible for federal income tax purposes, an exception to the flow-through accounting requirement in section 3(h) is required. In such event, a normalized tax accounting treatment will be required.

(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by all telecommunications companies. Companies may also be required to include certain supplemental information in the annual report, such as the status of all jurisdictional differences accounts and subaccounts for the period. This supplemental information will be described in the mailing of the annual reports, or in other sections of this rule (see section (7)).

(5) 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.

(6) 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.

(7) 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. In these supplemental reports, adjustments will be made to incorporate Washington intrastate amounts in the jurisdictional differences accounts.

(8) 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.

(9) The requirements of this section shall not apply to telecommunications companies classified by the commission as competitive, and subject to WAC 480-120-033.

(10) There shall be no departure from the foregoing except as specifically authorized by the commission.

[Statutory Authority: RCW 80.01.040, 87-24-056 (Order R-278, Cause No. U-87-1144-R), § 480-120-031, filed 11/30/87; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-031, filed 6/27/86. Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-031, filed 11/7/85; Order R-25, § 480-120-031, filed 5/5/71.]

**WAC 480-120-056 Deposits.** (1) Nonresidential deposit requirements. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(2) Residential deposit requirements. A deposit may be required under the following circumstances:

(a) 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 telecommunications company to which application is being made or any other telecommunications company; or where four 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. A telecommunications company shall provide written notice to the subscriber that a deposit may be required upon issuance of the fourth delinquency notice.

(b) 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.

(c) When a subscriber (i) is initially provided service without a deposit on the basis of information supplied to the telecommunications company by the subscriber which is incorrect and the subscriber would have otherwise been required to make a deposit; or (ii) has an unpaid, overdue balance owing for the same class of service from the telecommunications company providing that service, or any other telecommunications company, which becomes known to the serving telecommunications company after current service has been provided; or (iii) has incurred excessive toll charges as defined in subsection (3)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (3)(b) of this section.

(d) 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.

(3) Amount of deposit.

(a) In instances where a deposit may be required by the telecommunications company, 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.

(b) Subscribers whose toll charges exceed thirty dollars, or whose toll charges exceed customary utilization over the previous six months by twenty dollars or by twenty percent, whichever is greater, 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 telecommunications company 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 telecommunications company 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.

(4) Transfer of deposit. Where a subscriber of whom a deposit is required transfers 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.

(5) 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.

(6) 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 telecommunications company'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 (7), alternative to deposit, of this section.

(7) 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.

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

(9) 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 in a prompt and satisfactory manner as evidenced by the following:

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

(ii) No more than three notices of delinquency have been made to the subscriber by the telecommunications company.

(b) Termination of service. Upon termination of service, the telecommunications company shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the telecommunications company 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 refund indicated by the subscriber at the time of deposit, or as thereafter modified.

(10) 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 section.

[Statutory Authority: RCW 80.01.040, 88-13-099 (Order R-287, Cause No. U-87-1611-R), § 480-120-056, filed 6/21/88. Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-056, filed 11/7/85. Statutory Authority: RCW 80.01.040, 85-04-036 (Order R-219, Cause No. U-84-69), § 480-120-056, filed 2/1/85. Statutory Authority: RCW 80.04.060, 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71. Formerly WAC 480-120-130.]

#### **WAC 480-120-089 Information delivery services.**

(1) "Information delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

(2) "Information providers" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information delivery service.

(3) "Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(4) Telecommunications companies offering information delivery services shall provide to each residential

telephone subscriber the opportunity to block access to all information delivery services offered through the local exchange company. The first such request shall be fulfilled at no charge to the subscriber. Subsequent requests for blocking (e.g., after a subscriber has unblocked such access) must be afforded, but a charge may be assessed. This charge for blocking shall cover its fully allocated costs, and shall be tarified.

(5) To insure that all costs of complying with chapter 123, Laws of 1988, shall be borne by the information providers, the telecommunications company offering information delivery services shall:

(a) File with the commission an annual report showing all expenses related to compliance with the section, and related to provision of information delivery services. Expenses include, but are not limited to, the expense of conducting a cost study to determine the appropriate charge for blocking, provision of customer notification of the availability of blocking, and the expense of developing accounting procedures to comply with this section.

(b) The annual report shall fully allocate all investment associated with complying with this section, and associated with provision of information delivery service, and;

(c) Report all information delivery service and blocking service revenues as separate revenue items.

(6) The local exchange company shall inform residential telephone subscribers of the availability of the blocking service through a single-topic bill insert and through publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The notice and bill insert shall clearly inform residential telephone subscribers of their rights under the law and shall, at a minimum, include the following information:

(a) Under Washington law you have the right to request free blocking of access to information delivery services on your residential telephone line. Information delivery services are services provided for a fee by telephone recorded messages, or other information services which you get by using a special telephone number. These special telephone numbers are often called "976" or "960" numbers. Blocking is the way that you can prevent these types of calls from being made on your residential telephone line.

(b) You are entitled to free blocking on your residential telephone line the first time you request it. If you later decide to "unblock," you can do so, but you may be charged for any blocking after that.

(c) To request blocking of access to information delivery services on your residential telephone line, call your local telephone company at the following number: \_\_\_\_\_, and request blocking.

(d) The Washington utilities and transportation commission is given the authority to enforce this law. If you want more information, please write to the commission at the address listed below, or call the commission during working hours at its toll-free number: 1-800-562-6150.

Washington Utilities and Transportation  
Commission  
Consumer Affairs Section  
1300 South Evergreen Park Drive S.W.  
Olympia, WA 98504

[Statutory Authority: RCW 80.01.040. 88-18-011 (Order R-288, Docket No. U-88-1798-R), § 480-120-089, filed 8/26/88, effective 10/1/88.]

### Chapter 480-122 WAC

#### LIFELINE TELEPHONE ASSISTANCE PROGRAM

##### WAC

480-122-010	Definitions.
480-122-020	Lifeline service rate.
480-122-030	Connection fees.
480-122-040	Deposit waiver.
480-122-050	Other charges.
480-122-060	Surcharges.
480-122-070	Recovery of costs.
480-122-080	Accounting.
480-122-090	Administration.

**WAC 480-122-010 Definitions.** For purposes of this chapter:

(1) "Local exchange company" means a telecommunications company providing local exchange telecommunications service.

(2) "Department" means the department of social and health services.

(3) "Lifeline telephone assistance program" means:

(a) A discount on residential service connection fees of fifty percent;

(b) A waiver of the deposit on local residential exchange service;

(c) A discounted flat rate on one access line for local residential exchange service for eligible persons subscribing to the lowest available local exchange flat rate service, where that rate, including any federal end user access charge or other charge necessary to obtain local exchange service, is greater than the lifeline service rate set by the commission.

(4) "Eligible person" means any participant in the following department programs who has been certified as eligible by the department:

(a) Aid to families with dependent children;

(b) Chore services;

(c) Food stamps;

(d) Supplemental security income;

(e) Refugee assistance; and

(f) Community options program entry system.

(5) "Eligibility period" means a one-year period of eligibility as certified by the department. The eligibility period shall run from August 1 through July 31 of the succeeding year.

(6) "Charge necessary to obtain local exchange service" means the charge for the lowest available grade of residential flat rate service, any federal end user access charge, any charge for nonoptional extended area service and any charge for nonoptional mileage. It does not include any charge for customer premises equipment or any applicable taxes.

(7) "Switched access line" means a communication facility extending from a serving central office to a customer's premises to provide access to and from the switched telecommunications network for message toll service and local calling. When used with PBX or Centrex-CU a switched access line may also be referred to as a trunk.

(8) "Connection fees" means any service charge applicable to the connection of a switched access line to establish new service, but not including line extension charges or any delinquent balance owed to the local exchange company.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-010, filed 10/1/87.]

**WAC 480-122-020 Lifeline service rate.** The lifeline service rate is ten dollars per month.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-020, filed 10/1/87.]

**WAC 480-122-030 Connection fees.** Eligible persons shall receive a fifty percent discount on service connection fees. The service connection fee remaining after application of the discount shall be payable in no fewer than three installments. A subscriber may choose to pay the connection fee in a lump sum. Eligible persons shall be allowed one connection fee discount per eligibility period.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-030, filed 10/1/87.]

**WAC 480-122-040 Deposit waiver.** A local exchange company shall waive the deposit on local exchange service for eligible persons. Eligible persons shall be allowed one deposit waiver per eligibility period.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-040, filed 10/1/87.]

**WAC 480-122-050 Other charges.** No change of service charge shall be charged to an eligible subscriber for the establishment of service under the lifeline telephone assistance program.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-050, filed 10/1/87.]

**WAC 480-122-060 Surcharges.** Local exchange companies shall surcharge all switched access lines not subscribing under the lifeline assistance program twelve cents per month. Each party line subscriber shall be assessed the surcharge in full. Money collected from the surcharge shall be transferred to a lifeline fund to be administered by the department.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-060, filed 10/1/87.]

**WAC 480-122-070 Recovery of costs.** Local exchange companies shall recover to the maximum extent possible by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the lifeline fund administered by the department the following amounts:



(1) The difference between the lifeline service rate specified in WAC 480-122-020 and the lowest available local exchange service flat rate, as specified in WAC 480-122-010 (3)(c);

(2) The discounted portion of the service connection fees;

(3) Applicable taxes not billed to the subscriber;

(4) Net uncollectibles directly resulting from the waiver of local exchange service deposits for eligible subscribers, provided that any partial payment collected for disconnected accounts shall be applied first to the payment of the local service bill; with the total for any account not to exceed two times the lifeline service rate; and

(5) Administrative and program expenses incurred in offering the lifeline telephone assistance program, including change of service charges if otherwise applicable, not to exceed the amount tariffed, as necessary to meet the requirements of WAC 480-122-010 (3)(c).

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-070, filed 10/1/87.]

**WAC 480-122-080 Accounting.** Local exchange companies shall maintain their accounting records so that expenses associated with the lifeline telephone assistance program can be separately identified.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-080, filed 10/1/87.]

**WAC 480-122-090 Administration.** (1) A local exchange company shall not extend lifeline telephone assistance program benefits to any person for any period prior to the earlier of:

(a) The date on which the local exchange company first receives from said person written evidence of his status as an eligible subscriber; or

(b) The date on which the local exchange company first receives confirmation from the department that said person is an eligible subscriber.

(2) A local exchange company shall not continue lifeline telephone assistance program benefits to any person for whom renewed certification has not been received by the company from the department beyond the expiration of the eligibility period for which the company has most recently received certification.

[Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-090, filed 10/1/87.]

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

WAC  
480-149-120 Notice required.

**WAC 480-149-120 Notice required.** (1) Unless two copies are specifically requested by the commission, one copy of every tariff, supplement or revised page must be filed with the commission and notice must be given to the public by posting copies in a conspicuous place at each station affected thirty days before the effective date

thereof except as provided for in the following sections of this rule or unless specifically authorized by the commission. Filings received on Saturdays, Sundays or holidays will be considered as being received on the following office day.

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

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

(b) Providing for the movement of circuses.

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

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

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

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

(3) In the case of a change proposed by a rail carrier, a change resulting in increased rates or decreased value of service shall not become effective for twenty days after the notice is filed with the commission, and a change resulting in decreased rates or increased value of service, or changes which result in neither increases nor reductions, shall not become effective for ten days after the notice is filed with the commission.

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

(5) Whenever a carrier files a tariff on not less than thirty days' notice, containing increased rates and charges for collection and disposal of garbage, refuse, and debris, such carrier shall at the same time, or prior thereto, notify affected customers that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on a particular date. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose



the increase may express that opposition in writing to reach the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002 not later than fourteen days from the date of the notice. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

[Statutory Authority: RCW 80.01.040, 88-08-047 (Order R-285, Cause No. TG-2146), § 480-149-120, filed 4/4/88; 88-01-115 (Order R-283, Cause No. T-2118), § 480-149-120, filed 12/23/87; 83-11-019 (Order R-203, Cause No. TR-1697), § 480-149-120, filed 5/11/83. Statutory Authority: RCW 80.01.040 and 81.77.030, 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

## Title 484 WAC

### VETERANS' AFFAIRS, DEPARTMENT OF

**Reviser's note:** Due to a publication oversight, WAC 484-30-010 and 484-30-015 and chapters 484-40 and 484-50 WAC were omitted from the 1986 WAC reprint. These chapters are printed in this supplement, even though there were no 1987-1988 amendments.

#### Chapters

484-30	Veterans field services.
484-40	Fiduciary services.
484-50	Public records.

#### Chapter 484-30 WAC

##### VETERANS FIELD SERVICES

#### WAC

484-30-005	Description and purpose of services.
484-30-010	Data gathering and reporting.
484-30-015	Auditing.

**WAC 484-30-005 Description and purpose of services.** The department may establish and maintain offices within the state to afford services to veterans and their beneficiaries. Within limitations imposed by budgetary considerations, these offices shall maintain services and training including, but not limited to:

(1) **Claims service.** This service will primarily be in providing forms, and assistance in preparing them, for eligible veterans and their beneficiaries, in claims against the federal government under Title 38, United States Code. However, assistance may also be rendered in assisting any eligible veteran or beneficiary in preparing and presenting a claim against any agency, private or public, which has to do with a right, of a veteran or his beneficiary, which is based upon service in the military service of the United States of America.

(2) **Referral service.** This service shall consist of referral of the veteran or beneficiary to a resource which may have the capability of affording supplementary or discrete benefits to those for which a veteran or beneficiary may be eligible as a result of military service. Such referrals would include, but not be limited to:

- (a) Social Security or Supplementary Security Income offices.
- (b) Employment and employment training resource facilities, public and private.
- (c) Public assistance.
- (d) Vocational rehabilitation sources, public and private.
- (e) Alcohol and drug related assistance.
- (f) Mental health facilities.

(3) **Outreach services.** These services shall include claims and referral services, but are provided at outreach locations, on a regular basis, from the established veterans service office.

(4) **Representation at veterans administration regional office.** This shall consist of the maintenance of personnel at the veterans administration regional office in Seattle, to represent eligible veterans and their beneficiaries before VA rating and appeal boards, or other VA administrative bodies, when such can be done through a power of attorney granted by the veteran or beneficiary.

[Order 7659, § 484-30-005, filed 7/28/77.]

**WAC 484-30-010 Data gathering and reporting.** In order to ensure that all eligible veterans and beneficiaries are treated equitably, such data as may be required shall be compiled in each veterans service office and submitted to the department of veterans affairs on a monthly basis. Such data shall be in form and content as prescribed by the department.

[Order 7659, § 484-30-010, filed 7/28/77.]

**WAC 484-30-015 Auditing.** The veterans service offices of the department of veterans affairs shall be audited to the extent and frequency necessary to ensure compliance with such procedural and data gathering requirements as are established by the department.

[Order 7659, § 484-30-015, filed 7/28/77.]

#### Chapter 484-40 WAC

##### FIDUCIARY SERVICES

#### WAC

484-40-005	Scope of services.
484-40-010	Conservation of income.
484-40-015	Case level.
484-40-020	Auditing.

**WAC 484-40-005 Scope of services.** As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

- (1) Executor under the last will of the estate of any deceased veteran.
- (2) Administrator of the estate of any deceased veteran.