

in accordance with the city and county design standards, as adopted by the city and county design standard committee in accordance with RCW 35.78.030 and 43.32-.020.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-050, filed 11/19/91, effective 12/20/91.]

WAC 479-316-100 Participation with other funds. CHAP funds may be used to fund rehabilitation work associated with the widening of the section of roadway but participation will be limited to the minimum standard or existing lane and shoulder widths. CHAP funds will be considered local agency funds if they are used in the urban arterial trust account or transportation improvement account programs.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-100, filed 11/19/91, effective 12/20/91.]

WAC 479-316-200 Record requirements. Record procedures for CHAP funded projects shall be in accordance with the requirements of WAC 479-20-025.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-200, filed 11/19/91, effective 12/20/91.]

WAC 479-316-250 Audits of CHAP projects. Audits of CHAP funded projects will be performed in accordance with the requirements of WAC 479-20-027.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-250, filed 11/19/91, effective 12/20/91.]

WAC 479-316-300 Project plantings on CHAP projects. CHAP funds will not participate in cost for project plantings.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-316-300, filed 11/19/91, effective 12/20/91.]

Chapter 479-320 WAC

FINANCIAL AND PAYMENT REQUIREMENTS FOR CITY HARDSHIP ASSISTANCE PROGRAM PROJECTS

WAC

479-320-050	Eligible project costs.
479-320-100	Eligible costs for engineering.
479-320-150	Procedure for requesting an increase in authorized amount of city hardship assistance program funds.
479-320-200	Partial or progress payments for city hardship assistance program costs.

WAC 479-320-050 Eligible project costs. Project costs eligible for reimbursement from the city hardship assistance program shall be those proper and allowable costs incurred on a project after the project is authorized by the board. Projects will be authorized in two-phases, the first phase being design and right of way and the second phase being construction.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-050, filed 11/19/91, effective 12/20/91.]

WAC 479-320-100 Eligible costs for engineering. The eligible design and construction engineering costs

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shall be limited to twenty-five percent of the approved contract bid amount including adjustments for construction increases, decreases, or agency force construction. Agency costs for a value engineering study, if required, will not be included when computing the 25% limit.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-100, filed 11/19/91, effective 12/20/91.]

WAC 479-320-150 Procedure for requesting an increase in authorized amount of city hardship assistance program funds. Increases to the authorized amount of CHAP funds will be in accordance with the board policy for TIA funded projects.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-150, filed 11/19/91, effective 12/20/91.]

WAC 479-320-200 Partial or progress payments for city hardship assistance program costs. Participation and payment of CHAP funds shall be governed by the requirements of WAC 479-20-020.

[Statutory Authority: Chapter 47.26 RCW and 1991 c 342 §§ 60 and 62. 91-23-091, § 479-320-200, filed 11/19/91, effective 12/20/91.]

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters

480-04	Public access to information and records.
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Chapter 480-04 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

480-04-100	Copying and service costs.
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WAC 480-04-100 Copying and service costs. The commission shall provide copies of information and public records upon written request.

(1) The commission shall charge a published fee for each single-sided page of copy, provided that no charge shall be made for a photocopy of a record consisting of five single-sided pages or fewer.

(2) Except as provided in WAC 480-09-125, the base charges for services shall be as follows:

(a) Photocopies shall cost twenty cents per page.

(b) Certified copies shall cost two dollars and fifty cents per certified sheet.

(c) Telefacsimile (FAX) transmissions shall cost fifty cents per page.

(d) Computer lists or printouts shall cost fifty cents per page.

(e) Computer data copied onto floppy disks shall cost five dollars per disk.

(f) Audio tapes shall cost four dollars each.

(g) Video tapes shall cost fifteen dollars each.

(3) Sales tax, at the current rate, shall be added to the base price of each item.

[Statutory Authority: RCW 80.01.040, 91-07-025 (Order R-340, Docket No. A-900424), § 480-04-100, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 80.01.040 (1) and (4), 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-100, filed 3/4/81. Statutory Authority: RCW 42.17.300, 78-02-020 (Order R-112), § 480-04-100, filed 1/11/78; Order R-43, § 480-04-100, filed 4/5/73.]

**Chapter 480-09 WAC
PROCEDURE**

WAC

480-09-015	Submission of "confidential" information.
480-09-100	Commission address—Communications.
480-09-115	Procedure at open public meetings.
480-09-120	Filing and service.
480-09-125	Failure to file sufficient copies—Costs of copying.
480-09-230	Declaratory orders.
480-09-425	Pleadings—Verification, time for filing, responsive pleadings, amendments.
480-09-440	Continuances—Extensions of time.
480-09-480	Methods for obtaining data in adjudicative proceedings.
480-09-500	Brief adjudicative proceedings.
480-09-510	Emergency adjudicative proceedings.
480-09-520	Formal investigation and fact-finding.
480-09-610	Consolidation of proceedings.
480-09-736	Hearing guidelines.
480-09-820	Rehearing or reopening.

WAC 480-09-015 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 or RCW 80.04.095. 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 an adjudicative proceeding 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 RCW 80.04.095, 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 480-09-120(2), 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 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-015, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-015, filed 10/12/89, effective 11/12/89.]

WAC 480-09-100 Commission address--Communications. (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Office of the Secretary, Washington Utilities and Transportation Commission, P.O. Box 9022, 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504-9022, and not to individual members of the commission staff.

(2) Receipt of communications. 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 and stamped with the date and time. Documents and communications physically received in the commission offices between 5:00 p.m. of one business day and the start of the next business day are not considered officially received until the next business day when stamped with the date and time.

(3) Identification; one subject in a letter. Letters to the Washington utilities and transportation commission (referred to in these rules as the "commission") should include only one subject.

(a) Each item of pleading or correspondence which relates to a proceeding before the commission shall set forth at the top of the first page the docket number and name of the proceeding, if known to the writer, the title of the pleading, and the identity of the person who submits it.

(b) Communications to the commission from the holder of any permit, license, or certificate shall identify the exact name and the number under which the authority is held and the name and title of the writer.

(4) Communications from the commission. Official communications from the commission, other than orders, shall be signed by the commissioners, secretary of the commission, or the secretary's designee.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-100, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-100, filed 10/12/89, effective 11/12/89.]

WAC 480-09-115 Procedure at open public meetings. (1) Meetings. Regular meetings of the commission for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., each Wednesday, except state holidays, in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting shall be held on the next business day. Regular meetings may be cancelled, and special meetings may be convened from time to time pursuant to the provisions of RCW 42.30.080.

(2) Agenda, orders. The commission secretary shall direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary shall identify each item scheduled for discussion and action as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation under Title 81 RCW; or "other"; and shall group similarly identified items together on the agenda. When an order is necessary to implement the commission's decision as to any agenda item, the secretary may enter the order when directed to do so by the commission.

(3) "No action" agenda. Any request, proposal, or other filing which, pursuant to statute, will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. Any item which the secretary deems to be noncontroversial and of relatively slight public concern may be placed on a "consent agenda" portion of the open meeting agenda. An item shall be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion any may be collectively approved by a single vote of the commission. When directed to do so by the commission, the secretary shall enter an individual order implementing the commission's decision as to each consent agenda item.

(5) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-115, filed 10/30/91, effective 11/30/91.]

WAC 480-09-120 Filing and service. (1) Filing. Filing of any document shall be deemed complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided in WAC 480-80-070 for tariff filings and except for the filing of Form E proof of insurance when a hard copy is received within ten days, receipt in the commission's telefax machine, or similar device, does not constitute filing.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation matters and nineteen copies for all other matters.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(d) The filing of a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in this rule.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served shall be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Service by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))

Dated at this day of
(signature)

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-120, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-120, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-120, filed 10/12/89, effective 11/12/89.]

WAC 480-09-125 Failure to file sufficient copies-- Costs of copying. (1) When a person files fewer than the required number of copies of a document, the commission may reject the filing. If needed for administrative convenience, the commission will make the additional copies for distribution and processing within the commission. "Administrative convenience" means that not having access to the documents would prejudice the commission.

(2) When the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus current sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the fully allocated cost of materials.

(3) The commission may assess a penalty against any person who, within twelve months, again fails to file the required number of copies of any document.

[Statutory Authority: RCW 80.01.040, 91-07-026 (Order R-339, Docket No. A-900425), § 480-09-125, filed 3/14/91, effective 4/14/91.]

WAC 480-09-230 Declaratory orders. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission shall consider the petition and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission shall:

- (1) Enter a declaratory order; or
- (2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or
- (3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or
- (4) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition or call for the submission of a statement of fact upon the matter. If a hearing is held, the commission will give not less than seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable of the time and place for such hearing and of the issues involved.

(5) The commission may upon a finding of good cause extend the times specified in subsections (3) and (4) of this section for entry of an order or for holding a hearing.

(6) If a hearing is held or statements of fact are submitted, as provided in subsection (4) of this section, the commission shall within a reasonable time:

- (a) Enter a declaratory order; or
- (b) Notify the petitioner that no declaratory order is to be entered and state the reasons for the action.

The commission shall serve its order upon all persons to whom notice is required by subsection (4) of this section.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-230, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-230, filed 10/12/89, effective 11/12/89.]

WAC 480-09-425 Pleadings--Verification, time for filing, responsive pleadings, amendments. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motion. Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Motions shall be filed separately from any other filing.

(3) Time for answer; reply.

(a) An answer must be filed within twenty days, after the service of the pleading against which it is directed. The filing of an answer is not mandatory.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

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

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-

910835), § 480-09-425, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-425, filed 10/12/89, effective 11/12/89.]

WAC 480-09-440 Continuances--Extensions of time. (1) General. Postponements, continuances and extensions of time, called "continuances" in this section, may be requested by any party, upon notice to all other parties, and may be granted upon a showing of good and sufficient cause. Continuances may be directed by the commission or the presiding officer without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. The date which is sought to be continued is called the "deadline" in this section.

(2) Procedure. Requests for continuances may be made orally on the record during a hearing. Whenever possible, requests shall be made by letter. Requests may be decided orally in hearing, or by letter, by the presiding officer or the commission. Requests may be granted; granted, with modification; or denied.

(3) Timing. Oral requests must be made at least five days prior to the deadline sought to be continued. Written requests must be filed with the commission, and served upon other parties so as to be received, no less than five days prior to the deadline which is sought to be continued. Responses must be filed no less than four days after service of the request, or two days prior to the deadline which is sought to be continued; whichever is earlier. Response shall be made orally when a related hearing is held prior to the stated response deadline. Requests which are made prior to the deadline, but which are not made within the time specified in this subsection, must specify the nature of the circumstances which prevented making a timely request.

(4) Content. A request for continuance must contain the following information:

(a) The name of the requesting party and its role in the proceeding (e.g., applicant, respondent, intervenor, etc.);

(b) Whether the requestor or any other party has previously requested a continuance in the proceeding and whether any continuance has been granted;

(c) Whether the requestor has discussed the request with other parties and whether, upon discussion, all other parties agree;

(d) The proposed new deadline;

(e) The reason for the request and for requesting the proposed new deadline;

(f) What efforts have been made to avoid a continuance and to minimize the length of the delay sought;

(g) If the continuance is to allow time to acquire a transcript, the date the transcript was ordered, when delivery is expected, and the length of the transcript or the length of the hearing;

(h) If the request relates to an application for transportation operating authority, whether the applicant is presently providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

(i) Any other factor which may bear upon whether allowing the continuance is consistent with the public interest.

(5) Date certain—Dismissal. Continuances should be granted to a date certain. A party seeking an indefinite continuance must demonstrate why a date certain is not feasible. Each ninety days after the initial request is granted, the party making the request must (a) file a statement with the commission describing the status of the proceeding and why it is still infeasible to establish a date certain, or must (b) request a date certain. Failure to file the statement required in this subsection is grounds for dismissal without further notice. The commission may at any time rescind the continuance and set the proceeding for hearing.

(6) Agreed requests. A request for continuance as to which all parties agree is an "agreed request." Agreed requests for continuances other than hearings may be made orally until the deadline, provided a confirming letter is served and sent for filing on the same day. A first agreed request, timely made, will be granted unless it is inconsistent with the public interest or commission administrative needs.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-440, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-440, filed 10/12/89, effective 11/12/89.]

WAC 480-09-480 Methods for obtaining data in adjudicative proceedings. (1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: *Provided*, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company or a segment of the motor carrier industry;

(b) Any proceeding of a precedential nature;

(c) Any proceeding in which a commission policy of general applicability is to be reconsidered;

(d) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: *Provided*, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The data requests and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved by an administrative law judge, and by subsequent commission order if necessary. Unless a different schedule is adopted, motions involving disputes arising from use of the procedures in this section will be heard by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. Data requests may also be made on the record, at hearing or conference. Each party shall number its data requests sequentially as submitted.

(ii) Receipt of responses. Responses to data requests shall be sent to the requesting party and to any other party who shall have requested a copy, so long as such responses are consistent with the terms of any protective order which may be entered in the proceeding.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of

the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

No response to a data request shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain. Should all parties request the administrative law judge to participate in the deposition portion of the conference, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: *Provided*, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission.

Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right of offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented to an administrative law judge for resolution.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.

If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.

If a party fails or refuses to comply with a commission order resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-480, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040, 89-18-009 (Order R-308, Docket No. U-89-2748-R), § 480-09-480, filed 8/25/89, effective 9/25/89.]

WAC 480-09-500 Brief adjudicative proceedings.

(1) Pursuant to RCW 34.05.482, the commission may use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Review of denials or partial denials of applications that are not protested;

(b) Contested applications for temporary authority;

(c) Proceedings which could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents; and

(d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission. The commission shall designate either a review judge, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. In the discretion of the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and, if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a written order which shall be served upon all parties within ten days after entry of the order or the decision.

(4) The brief written statement is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding

upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within thirty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-500, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-500, filed 10/12/89, effective 11/12/89.]

WAC 480-09-510 Emergency adjudicative proceedings.

(1) Pursuant to RCW 34.05.479, the commission shall use emergency adjudicative proceedings to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations shall include:

(a) Failure to possess insurance;

(b) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare; and

(c) Violations of law, rule, or order related to public safety, when the violation involves an immediate danger to the public health, safety, or welfare.

(2) The matter shall be heard and the order shall be entered by the commission. If a majority of the commissioners is not available, a commissioner shall hear the matter. If no commissioner is available, a commission review judge shall hear matters.

(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the

public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 480-09-120.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-510, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-510, filed 10/12/89, effective 11/12/89.]

WAC 480-09-520 Formal investigation and fact-finding. (1) Pursuant to RCW 80.36.145, the commission finds that it is in the public interest to employ an abbreviated proceeding for certain petitions for competitive classification under RCW 80.36.320 and 80.36.330.

(2) The commission will institute an abbreviated proceeding on its own motion or at the request of petitioner filing for competitive classification under RCW 80.36.320 or 80.36.330 where it is apparent on the face of the petition that no substantial issues of controversy are presented. The commission will invoke this rule by means of a notice of formal investigation and fact-finding. The notice will call for written requests to intervene, and advise all interested persons that no hearing is contemplated other than possible hearings for public testimony.

(3) Upon the filing of a request to intervene, the commission will take objections, if any, and determine whether the proceeding qualifies for an abbreviated proceeding. A proceeding in which an intervenor proposes to participate through written submissions and data exchanges will be presumed to fall outside the scope of this rule. At any time, by written notice, the commission may convert an abbreviated proceeding into a formal adjudicative proceeding.

(4) The procedures set forth in WAC 480-09-480 will not apply in proceedings brought under this section. Informal exchange of data is the form of discovery that will apply to proceedings authorized by this rule. If such discovery is not sufficient to meet the needs of the parties, the proceeding will be converted to a formal adjudicative proceeding. The "protective order" process referenced in WAC 480-09-015 will not be available in an abbreviated proceeding. If a claim of "confidentiality" is made, the proceeding will be converted to a formal adjudicative proceeding.

(5) The formal record will be limited to written submissions by the parties. Confidential material will not be accepted. The commission will designate in the notice of investigation the number and method of rounds of written submissions necessary to develop the facts relevant to the proceeding. At a minimum, petitioners and respondents wishing to obtain classification will file one original and nineteen legible, double-sided copies of the completed petition form provided by the commission upon request, together with prefiled testimony and exhibits supporting the petition. The party with the burden of proof will always have the opportunity to file a written reply. Upon conclusion of the investigation the commission will enter an order, containing findings of fact and conclusions of law, disposing of the petition.

[Statutory Authority: RCW 80.01.040. 91-07-024 (Order R-338, Docket No. UT-901533), § 480-09-520, filed 3/14/91, effective 4/14/91.]

WAC 480-09-610 Consolidation of proceedings. Two or more proceedings in which the facts or principles of law are related may be consolidated for hearing or disposition in the discretion of the commission.

(1) A motion for consolidation or for the severance of consolidated matters shall be addressed to the commission. The commission may rule on the motion or may refer the motion to the office of administrative hearings for resolution.

(2) The commission may on its own motion consolidate matters for hearing, or sever consolidated matters, when it believes that the action is appropriate.

[Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-610, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-610, filed 10/12/89, effective 11/12/89.]

WAC 480-09-736 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer has discretion to suspend or modify the guidelines or to use measures not specified herein when appropriate in the circumstances of the case.

(1) Starting times will be strictly observed. The proceeding will go forward in the absence of counsel who are late.

(2) Motions will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases, the presiding officer should be notified that a motion will be presented during the hearing.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When redistribution of evidence is required, one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been

predistributed. Corrections and revisions should be made to all copies distributed at hearing before the copies are distributed. The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex ----- (JQW-Testimony) Ex ----- (JQW-2)
Ex ----- (JQW-1) Ex ----- (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects. Twenty copies of the summary shall be filed with the secretary of the commission unless the presiding officer advises that a different number is required.

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size or folded to that size and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large charts may be used at the hearing so long as a letter-size reduction is provided or so long as the chart is foldable to 8-1/2" by 11" for inclusion in the official record.

(10) Any revised pages for predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions should be indicated for cross-reference to the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission, under existing commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. In addition, one copy should be addressed to the presiding administrative law judge at the OFFICE OF ADMINISTRATIVE HEARINGS, 2420 BRISTOL CT SW (3RD FLOOR), PO BOX 42489, OLYMPIA WA 98504-2489.

(14) Petitions or motions intended for argument or resolution at previously-scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument. Oral response will be allowed on the record. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt three business days before argument.)

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. Briefs shall not exceed sixty pages, including appendices and attachments but excluding the cover and index pages, without permission from the presiding officer. Briefs shall comply with WAC 480-09-770(1).

(17) Each party will bear its own costs for transcripts including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 92-01-135 (Order R-362, Docket No. A-911231), § 480-09-736, filed 12/19/91, effective 1/19/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-736, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-736, filed 10/12/89, effective 11/12/89.]

WAC 480-09-820 Rehearing or reopening. (1) Rehearing. A petition for rehearing may be filed with the commission by any person affected by any final order of the commission, pursuant to RCW 80.04.200 and 81.04-.200. The commission will grant the petition:

(a) If there are changed circumstances injurious to the petitioner since the entry of the final order which were not considered by the commission; or

(b) To correct defects in the order; or

(c) For any good and sufficient cause which, for any reason, was not considered and determined in the original order.

The commission may, in its discretion, permit the filing of a petition for rehearing at any time after the conclusion of the proceeding.

(2) Reopening. A petition for reopening may be filed with the commission by any party to a proceeding at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, a petition may be granted to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, a petition may be granted to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable at the time of the hearing with due diligence, or for any other good and sufficient cause.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-820, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-820, filed 10/12/89, effective 11/12/89.]

Chapter 480-12 WAC MOTOR CARRIERS

WAC

480-12-003	Procedure.
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480-12-084	Federal Regulations, 49 C.F.R., Part 390—Adoption by reference.
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480-12-190	Hours of service—On duty—Adoption of federal safety regulations.
480-12-195	Hazardous materials regulations.
480-12-255	Contracts.
480-12-315	Repealed.
480-12-322	Log shipments—Intrastate rates—Applicability.
480-12-500	Definitions concerning recovered materials.
480-12-510	Application procedures for transportation of recovered materials.
480-12-520	Reporting requirements for transportation of recovered materials.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-12-315	Tariffs, interstate. [Order R-5, § 480-12-315, filed 6/6/69, effective 10/9/69.] Repealed by 91-06-071 (Order R-337, Docket No. TV-2333), filed 3/5/91, effective 4/5/91. Statutory Authority: RCW 80.01.040.
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WAC 480-12-003 Procedure. Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

[Statutory Authority: RCW 80.01.040, 91-13-077 (Order R-346, Docket No. TV-900716), § 480-12-003, filed 6/18/91, effective 7/19/91; Order R-24, § 480-12-003, filed 4/16/71.]

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 two hundred dollars for applications for permanent authority including applications for extensions, one hundred dollars for applications for temporary authority, fifty dollars for applications for emergency temporary authority, and thirty-five dollars for applications for a change of corporate name. Effective January 1, 1992, the application fee for temporary authority will increase to one hundred fifty dollars. 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, 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-030, filed 4/15/91, effective 5/16/91; 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 480-12-033 Temporary permits. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of up to one hundred eighty days, but only after it

finds that the issuance of the temporary permit is consistent with the public interest.

(a) In determining whether the requested temporary authority is consistent with the public interest the commission will consider evidence of the following factors:

(i) Any immediate and urgent need for the requested service;

(ii) Any available service capable of meeting the need; and

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

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

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

In determining whether the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in damage to the motor carrier properties sought to be acquired, or may interfere with the future usefulness of those properties in the performance of adequate and continuous service to the public. The commission may also consider the reasons for seeking to transfer the permit, whether the permit sought to be acquired has been operated during all of the past twelve months, and the reasons for any break in operations.

(3) In all cases, the commission may consider whether the applicant has been cited for violation of motor carrier law or has been denied authority on the basis of fitness.

(4) The commission will publish notice of the issuance of temporary authority under this section in its weekly application docket. The commission shall also publish the names of the shippers which the applicant may serve under the temporary authority issued pursuant to subsection (1) of this section.

(a) Any interested carrier may, within ten days after the date of publication, file a protest to the grant of authority. A copy of the protest must also be served on the applicant and the applicant's attorney or representative if one is named in the docket. The protest and each copy must include a certificate of service in accordance with WAC 480-09-120.

(b) The protest must be accompanied by a notarized statement that the protestant has contacted the shippers supporting an application granted under subsection (1) of this section, that the protestant has discussed their shipping problems with them, and is ready, willing, and able and commits to provide service to their satisfaction on demand. A protest to an application should contain a statement of any reasons why the protestant believes the grant of temporary authority is not consistent with the public interest.

(c) A protest filed in substantial compliance with this section will be considered an application for a brief adjudicative proceeding. Procedure thereafter is governed by WAC 480-09-500.

(5) The commission may impose special terms and conditions in connection with the grant of any temporary permit. A temporary permit may be cancelled any time within sixty days after the date of publication, if the commission determines that there is no immediate and urgent need for the service, that another carrier with authority is ready, willing and able to render satisfactory service to the shipper, or that the temporary permit was not issued in the public interest. A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation, or erroneous information from the applicant.

(6) If a valid application for motor carrier authority is filed within thirty days after the grant of a temporary permit, that temporary authority will continue in force until the commission grants or denies the application for motor carrier authority or until the temporary permit is otherwise cancelled pursuant to law, whichever event occurs first.

(7) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit. Emergency temporary authority may also be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

Emergency temporary authority may be granted after application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Proof of insurance may consist of an insurance policy or a certificate of insurance. Grants of emergency temporary authority are not subject to the provisions of this section regarding protest and cancellation.

(8) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

[Statutory Authority: RCW 80.01.040, 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-033, filed 4/15/91, effective 5/16/91; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-033, filed 6/27/86; 85-18-044 (Order R-236, Cause No. TV-1897), § 480-12-033, filed 8/30/85; 82-12-060 (Order R-187, Cause No. TV-1595), § 480-12-033, filed 6/2/82; Order R-50, § 480-12-033, filed 8/8/73; Order R-24, § 480-12-033, filed 4/16/71.]

WAC 480-12-083 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" shall be that in effect on February 15, 1991.

(2) "Title 49 Code of Federal Regulations" shall be the rules and regulations as well as and including all appendices and amendments in effect on May 1, 1991.

[Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-083, filed 12/18/91, effective 1/18/92.]

WAC 480-12-084 Federal Regulations, 49 C.F.R., Part 390--Adoption by reference. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the Commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

[Statutory Authority: RCW 80.01.040. 92-02-016 (Order R-360, Docket No. TV-2332), § 480-12-084, filed 12/23/91, effective 1/23/92.]

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

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee, during the month of October each year, or at any time thereafter that additional stamps are required. Such application shall be on forms furnished by the commission. Except as provided in subsection (3) of this section, the schedule of stamp and maximum regulatory fees is as follows:

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$10.00	\$ 7.00
4,000 to 7,999 lbs.	10.00	9.00
8,000 to 11,999 lbs.	10.00	11.00
12,000 to 15,999 lbs.	10.00	13.00
16,000 to 19,999 lbs.	10.00	15.00
20,000 to 23,999 lbs.	10.00	17.00
24,000 to 27,999 lbs.	10.00	19.00
28,000 to 31,999 lbs.	10.00	21.00

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
32,000 to 35,999 lbs.	10.00	23.00
36,000 to 39,999 lbs.	10.00	30.00
40,000 to 43,999 lbs.	10.00	32.00
44,000 to 47,999 lbs.	10.00	34.00
48,000 to 51,999 lbs.	10.00	36.00
52,000 to 55,999 lbs.	10.00	38.00
56,000 to 59,999 lbs.	10.00	40.00
60,000 to 63,999 lbs.	10.00	42.00
64,000 to 67,999 lbs.	10.00	44.00
68,000 to 71,999 lbs.	10.00	46.00
72,000 to 75,999 lbs.	10.00	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 for three dollars an identification stamp for each power unit.

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 a three dollar identification stamp for each power unit. 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 an 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 seventy-two hours, authorizing a trip into, out of or across this state, for a fee of ten dollars each.

Prenumbered single trip regulatory fee cards must be purchased at any commission office or port of entry, or from an authorized commission field agent. The card must be carried in the power unit.

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

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

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

(d) In intrastate commerce between points within the state of Washington, a common or contract carrier acquiring the use of private carrier equipment under the provisions of WAC 480-12-210 (1)(c) may, in connection with short term leases, elect to purchase single trip regulatory fee cards, valid for seventy-two hours, 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, 81.80.300, and 1991 c 241. 91-19-089 (Order R-348, Docket No. TV-910903), § 480-12-130, filed 9/17/91, effective 10/18/91. 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 480-12-165 Equipment--Inspection--Ordered for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the standards set forth in this rule, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or

restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040, 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-165, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-165, filed 2/27/90, effective 3/30/90. Statutory Authority: RCW 81.01.040, 81.80.130, 81.80.140 and 81.80.290, 81-13-010 (Order R-166, Cause No. TV-1487), § 480-12-165, filed 6/10/81; Order R-5, § 480-12-165, filed 6/6/69, effective 10/9/69.]

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

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 392; Part 393; Part 396; Part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 C.F.R., Parts 392.2, 396.17, 396.19, 396.21, 396.23, 396.25, and with respect to 49 C.F.R., Part 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office 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.

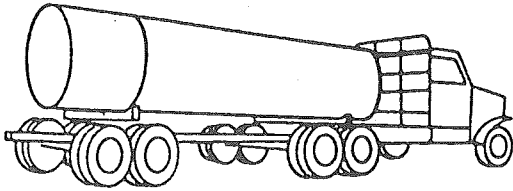
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(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.

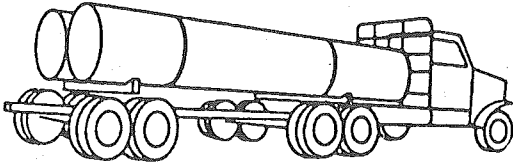
PLACEMENT AND NUMBER OF WRAPPERS

One log load



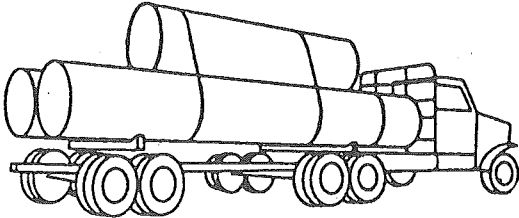
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



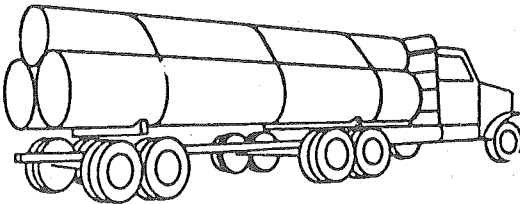
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



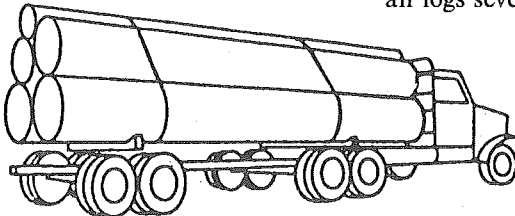
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



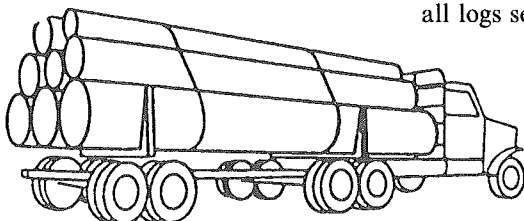
A minimum of three wrappers required.

Five or six log load
all logs seventeen feet or less



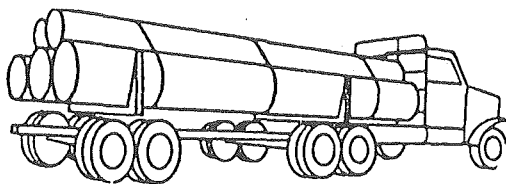
A minimum of two wrappers required.

Seven or more log load
all logs seventeen feet or less



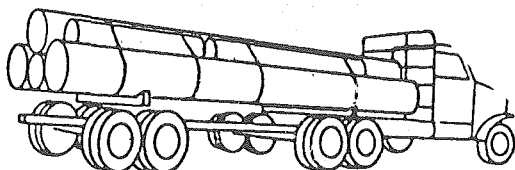
A minimum of two wrappers required.

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



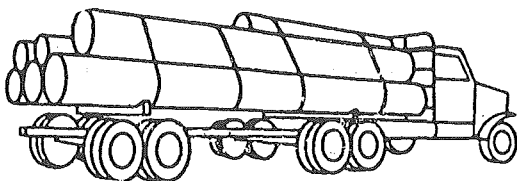
A minimum of three wrappers required.

Outside logs or top logs



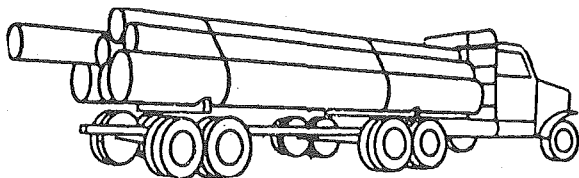
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



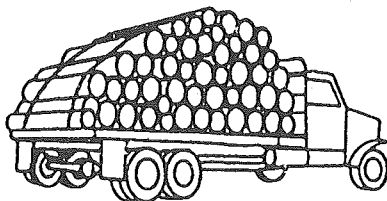
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

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 383 and part 391.1 through 391.71, as well as and including all appendices and

amendments thereto, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except for carriers operating exclusively in intrastate commerce:

(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.

(f) The provisions of 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) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of Part 391 unless the vehicle 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.

(7) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(8) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

[Statutory Authority: RCW 80.01.040, 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-180, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-180, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-180, filed 2/23/89; 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 480-12-190 Hours of service--On duty--Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 395 are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

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

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of Part 395 unless the vehicle 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, 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-190, filed 12/18/91, effective 1/18/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-190, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-12-190, filed 11/7/85. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290, 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-190, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290, 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-

049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.]

WAC 480-12-195 Hazardous materials regulations.

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

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: *Provided*, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

(ii) Restricted service condition. Vehicles with restricted service conditions shall be placed out-of-service at the inspection site, or at the discretion of the inspector may be allowed to continue in operation to the nearest appropriate repair or correction facility.

[Statutory Authority: RCW 80.01.040, 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-195, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-195, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-195, filed 2/23/89; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-195, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290, 82-12-061 (Order R-186, Cause No. TV-1611), § 480-12-195, filed 6/2/82; 82-05-022 (Order R-181, Cause No. TV-1567), § 480-12-195, filed 2/10/82; 81-19-033 (Order R-175, Cause No. TV-1526), § 480-12-195, filed 9/10/81. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.290, 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120, 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290, 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

(6) All contracts shall provide that the rates and charges governing such operation shall not be less than those contained in applicable utilities and transportation commission tariff publication, save where commission order specifically authorizes such deviation. The filing of changes in rates by contract carriers shall be placed on the commission rate docket as provided in WAC 480-12-295 in the same manner as common carrier proposals: *Provided*, That this shall not be required for contract carriers engaged in package delivery service, retail store

delivery service, armored car service, transportation of newspapers, United States mail, periodicals, film, bakery goods, dairy products, automotive vehicles, flowers, nursery stock, explosives, logs, poles, pulpwood, wood chips, hogged fuel, sawdust, wood shavings, garbage, refuse or debris.

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

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

(9) No contract carrier shall sublet any hauling under any of his contracts, and in the event he is unable to meet the demands of the shipper for transportation of goods under any contract because of lack of facilities or otherwise, arrangements for the transportation of such commodities must be made by the shipper. Carriers subject to the provisions of this rule shall not act as agents of the shipper in such cases.

[Statutory Authority: RCW 80.01.040 and 81.80.080. 92-01-053 (Order R-359, Docket No. TV-910927), § 480-12-255, filed 12/11/91, effective 1/11/92; Order R-5, § 480-12-255, filed 6/6/69, effective 10/9/69.]

WAC 480-12-315 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-12-322 Log shipments--Intrastate rates--Applicability. Where timber has been specifically selected and tagged as export at the place where the timber was cut or initially tendered for shipment, such tagging does not change the nature of the shipment, be it intrastate, interstate, or foreign commerce. The nature of the shipment depends on all facts and circumstances legally relevant to shipper intent at the time of shipment.

[Statutory Authority: RCW 80.01.040. 92-01-051 (Order R-354, Docket No. TV-900714), § 480-12-322, filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040, 81.80.040, 81.80.130, 81.80.290, 81.80.330 and 81.80.370. 83-12-028 (Order R-202, Cause No. TV-1699), § 480-12-322, filed 5/26/83.]

WAC 480-12-500 Definitions concerning recovered materials. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for purposes of these rules, be given the meanings attached thereto.

(1) "Recovered materials" means those commodities collected for recycling or reuse, such as papers, glass, plastics, used wood, metals, yard waste, used oil, and tires, that if not collected for recycling would otherwise be destined for disposal or incineration. Recovered materials shall not include any wood waste or wood by-product generated from a logging, milling, or chipping activity.

(2) "Reprocessing facility" means a business registered with the department of revenue or displaying a

Unified Business Identifier (UBI), or a non-profit corporation which has registered its corporate name, office, and agent with the secretary of state pursuant to RCW 24.03.047, 24.03.048, and 24.03.050, that accepts or purchases recovered materials and prepares those materials for resale.

(3) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(4) "Energy recovery facility" means a facility designed to burn mixed waste paper as fuel, except that such term does not include mass burn incinerators.

[Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-500, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.]

WAC 480-12-510 Application procedures for transportation of recovered materials. (1) Applications for authority shall be on forms prescribed by the WUTC.

(2) Such applications shall indicate that the authority is being sought pursuant to RCW 81.80.440.

(3) All other safety, insurance, and regulatory fee requirements for motor freight carriers under these rules shall apply.

[Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-510, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.]

WAC 480-12-520 Reporting requirements for transportation of recovered materials. (1) Each company transporting recovered materials shall annually submit information to the commission on the types and quantities of recovered materials transported under this section and where they are delivered.

(2) Such reports shall be on forms prescribed by the commission.

(3) Reports on the transportation of recovered materials shall be due on the same date as the annual report of operations required by WAC 480-12-250.

(4) Information contained in the recovered materials reports on types, quantities, and destinations of recovered materials may be considered confidential by the commission. In order to have its recovered materials reports be considered confidential, the carrier must comply with the procedures of WAC 480-09-015.

(5) Such recovered materials reports may be provided to the department of ecology for purposes of waste stream monitoring required by RCW 70.95.280. The commission shall indicate when confidentiality of a recovered materials report has been requested, and request that confidentiality be extended by the department of ecology under RCW 43.21A.160 and under the guidelines promulgated pursuant to RCW 70.95.280.

(6) Such recovered materials reports may be provided to the department of trade and economic development for the purposes of performing the evaluation called for by chapter 123, Laws of 1990. If confidentiality has been requested for recovered materials reports, the commission shall provide the department of trade and economic development with summaries of information and

data in order to protect the confidentiality of proprietary information of reporting companies.

[Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460, 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-520, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.]

Chapter 480-30 WAC AUTO TRANSPORTATION COMPANIES

WAC

480-30-015	Adoption by reference defined.
480-30-032	Notice of application; protests; contemporaneous applications.
480-30-095	Equipment—Safety.
480-30-097	Equipment—Inspection—Ordered for repairs.
480-30-100	Operation of motor vehicles.

WAC 480-30-015 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" shall be that in effect on February 15, 1991.

(2) "Title 49 Code of Federal Regulations" shall be the rules and regulations as well as and including all appendices and amendments in effect on May 1, 1991.

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-015, filed 12/31/91, effective 1/31/92.]

WAC 480-30-032 Notice of application; protests; contemporaneous applications. (1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days after the mailing of the notice of filing of the initial application in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days after mailing of the notice of filing of the initial application will not be jointly considered with the initial application and will not be decided until after

the conclusion of proceedings resolving the pending application and any other application which qualifies for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW, 91-22-034 (Order R-351, Docket No. A-910835), § 480-30-032, filed 10/30/91, effective 11/30/91.]

WAC 480-30-095 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, part 396, and part 397, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW. Exceptions: All auto transportation companies operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2, 393.76, 396.17 through 396.23, and 397.21. Further, with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office 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, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-095, filed 12/31/91, effective 1/31/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-095, filed 2/23/89. Statutory Authority: RCW 81.68.030, 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-095, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030, 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.]

WAC 480-30-097 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated under chapter 81.68 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North*

American Uniform Out-Of-Service Criteria. Copies of this document are available from the commission upon request.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-097, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-097, filed 2/27/90, effective 3/30/90.]

WAC 480-30-100 Operation of motor vehicles. (1)

All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391.1 through part 391.71, excluding paragraphs (a) and (b) of section 391.2, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except relating to those carriers operating exclusively in intrastate commerce:

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

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

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

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, are adopted and prescribed by the commission to be observed by all auto

transportation companies operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: *Provided, however,* That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself or herself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his or her passengers to the extent that he or she should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(11) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any

person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119. 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.

(12) Auto transportation companies transporting passengers shall be responsible for the comfort of its patrons.

(13) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.68 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(14) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-100, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-100, filed 10/31/90, effective 12/1/90; 90-13-119 (Order R-319, Docket No. TC-900312-R), § 480-30-100, filed 6/21/90, effective 7/22/90; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-100, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-100, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-30-100, filed 11/7/85; 85-20-047 (Order R-241, Cause No. TC-1904), § 480-30-100, filed 9/25/85; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-100, filed 7/11/84. Statutory Authority: RCW 81.68.030, 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-100, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030, 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-100, filed 8/14/80; Order R-5, § 480-30-100, filed 6/6/69, effective 10/9/69.]

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

WAC	
480-40-015	Adoption by reference defined.
480-40-065	Equipment—Inspection—Ordered for repairs.
480-40-070	Operation of motor vehicles.
480-40-075	Equipment—Safety.
480-40-100	Out-of-service criteria.

WAC 480-40-015 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" shall be that in effect on February 15, 1991.

(2) "Rules and regulations adopted by the United States Department of Transportation in Title 49 Code of Federal Regulations" shall be the rules and regulations as well as and including all appendices and amendments in effect on May 1, 1991.

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-015, filed 12/31/91, effective 1/31/92.]

WAC 480-40-065 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated under chapter 81.70 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-065, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-40-065, filed 2/27/90, effective 3/30/90.]

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 and part 391.1 through part 391.71, excluding paragraphs (a) and (b) of section 391.2, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion

service carriers of passengers operating under chapter 81.70 RCW except relating to those carriers operating exclusively in intrastate commerce:

(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, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service 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 or excursion service 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, office 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, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-070, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-070, filed 10/31/90, effective 12/1/90; 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 392, part 393, and

part 397 are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW. Exception: All passenger charter carriers or excursion service carriers of passengers operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2, 393.76, 396.17 through 396.23, and 397.21. Further, with respect to section 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office 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, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-075, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-075, filed 10/31/90, effective 12/1/90; 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 480-40-100 Out-of-service criteria. All drivers operating motor vehicles under chapter 81.70 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

[Statutory Authority: RCW 80.01.040, 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-100, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-40-100, filed 2/27/90, effective 3/30/90.]

Chapter 480-50 WAC PASSENGER AND FERRY STEAMBOAT COMPANIES

WAC

480-50-035 Notice of application; protests; contemporaneous applications.

WAC 480-50-035 Notice of application; protests; contemporaneous applications. (1) Notice shall be made of the filing of applications for authority to provide passenger and ferry steamboat service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide passenger and ferry steamboat service under this chapter; all present applicants for such service, and any other person who has requested, in writing, to receive

such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-50-035, filed 10/30/91, effective 11/30/91.]

**Chapter 480-70 WAC
GARBAGE AND/OR REFUSE COLLECTION
COMPANIES**

WAC	
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480-70-570 Reporting of accidents.
480-70-990 Repealed.

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

480-70-990 Appendix A—Form—Garbage and/or refuse collection companies. [Statutory Authority: RCW 80.01.040. 90-09-015 (Order R-317, Docket No. TG-2296-R), § 480-70-990, filed 4/9/90, effective 5/10/90; Order R-89, Appendix A, pages 3, 4, 6, and 7 (codified as WAC 480-70-990), filed 12/8/76; Order R-73, Appendix A, Pages 1—14, filed 6/25/75; Order R-31, Appendix A, pages 1—14, filed 10/18/71.] Repealed by 92-01-052 (Order R-358, Docket No. TG-900715), filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040.

WAC 480-70-050 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of these rules, be given the following meanings:

(1) "State" means the state of Washington.

(2) "Commission" means the Washington utilities and transportation commission.

(3) "Certificate" means the certificate of public convenience and necessity authorized to be issued for the operation of solid waste collection companies under the provisions of chapter 81.77 RCW, as amended.

(4) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," "vehicle," "solid waste collection companies," shall have the meaning when used herein given to them by RCW 81.77.010 and by 81.08.010, 81.12.010, 81.77.015, 81.77.030, and 81.77.110.

(5) "Garbage" includes but shall not be limited to offal or animal and vegetable wastes which may be mixed with refuse. Garbage includes scrap, waste materials, dead animals, discarded articles, garbage disposal, and swill. The term does not include sewage disposal or cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.

(6) "Refuse" includes all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste materials; also it includes scrap, waste materials, rubbish, noncommercial lamp black, waste acid, sludge, broken building and fire bricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. The term does include earth or dirt mixed with refuse but not commercially salable earth which is used as fill, road ballast, aggregate, etc.

Note: The incidental hauling of pure refuse as herein defined may be a part of a regular garbage collection and disposal service.

(7) The phrase "the business of transporting solid waste for collection and/or disposal for compensation" used in RCW 81.77.010 applies only to those carriers who are primarily in the specialized business of transporting solid waste for collection and/or disposal for all potential customers within a specified area. NOTE: Chapter 81.77 RCW, as amended, was not intended to cover operations of carriers whose business is other than

the primary business of transporting solid waste for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, need not secure a certificate under the provisions of chapter 81.77 RCW. In some instances, carriers may be engaged extensively in both motor freight carrier and in solid waste hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate.

(8) "Biohazardous or biomedical waste" includes untreated solid waste of the following types:

(a) "Animal waste," which includes animal carcasses, body parts and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids," which includes liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks," which includes cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others from highly communicable infectious diseases which are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Asbettarov, Hanzalova, Hypr, Humlinge, Kyassanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedure[.],[.] "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste," which includes hypodermic needles, syringe IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(9) "Biohazardous or biomedical waste generator," means any person, by site whose act or process produces

infectious waste as defined in this rule, or whose act first causes an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purpose of this rule.

(10) "Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

(11) "Treatment" includes incineration, steam sterilization, or any method, technique, or process designed to change the biological character or composition of biohazardous or biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated shall not be considered biohazardous or biomedical, and may be considered to be solid waste for purposes of handling and disposal.

(12) "Shipping paper" means a shipping order, bill of lading, manifest or other shipping document serving a similar purpose and containing the information required in WAC 480-70-550.

(13) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences.

(14) Solid waste collection does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, nor collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-050, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-050, filed 6/21/90, effective 7/22/90; Order R-5, § 480-70-050, filed 6/6/69, effective 10/9/69.]

Reviser's note: RCW 34.05.395 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 480-70-055 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" shall be that in effect on February 15, 1991.

(2) "Title 49 Code of Federal Regulations" or "C.F.R. 49" shall mean the rules and regulations as well as and including all appendices and amendments in effect on May 1, 1991.

[Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-055, filed 12/31/91, effective 1/31/92.]

WAC 480-70-060 Licenses. No motor vehicle shall be operated upon the public highways of this state by any solid waste collection company until the owner or person lawfully in control thereof shall have complied

with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-060, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-060, filed 6/6/69, effective 10/9/69.]

WAC 480-70-070 Certificates, no operation without. No solid waste collection company shall operate, establish or begin operation of a line or route or serve any territory, or any extension, for the purpose of transporting solid waste on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route or in such territory.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-070, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-070, filed 6/6/69, effective 10/9/69.]

WAC 480-70-100 Certificates, secured by false affidavit. Any certificate to operate in the transportation of solid waste for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-100, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-100, filed 6/6/69, effective 10/9/69.]

WAC 480-70-130 Temporary certificates, application for. Temporary certificates to engage in the business of operating a solid waste collection company may be issued if such issuance is consistent with the public interest.

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

- (a) The immediate need for the requested service;
- (b) Whether the requested service is currently available from the certificated carrier serving the territory; and

(c) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest. When considering these circumstances the commission may consider the fitness of the applicant.

(2) When an applicant requests a temporary certificate to operate in territory that another carrier is authorized to serve, the commission shall notify the existing solid waste collection company or companies of the application. Any interested permanent certificate holder may, within ten days of the service date of the notice, file a written protest to the application. The protest shall be served on the applicant and its representative if one is stated in the application.

(3) No application for temporary solid waste authority shall be considered by the commission unless it contains a sworn statement from one or more shippers or

generators of solid waste setting forth all pertinent facts relating to need for the service.

(4) Temporary certificates will carry the following condition:

"This certificate may be cancelled any time within 45 days after date of issuance, if the commission determines that another carrier with permanent authority can and will provide service to the satisfaction of the commission."

(5) Temporary certificates may be issued for a period up to 180 days where the area or territory covered thereby is not contained in the certificate of any other solid waste collection company; in all other cases temporary certificates may be issued for a period not to exceed 120 days. Applications for temporary certificates shall conform to the requirements of WAC 480-70-120.

(6) Temporary certificates issued for commercial solid waste collection shall be limited to serving those customers who submit sworn statements demonstrating an actual need for the service in support of the application.

[Statutory Authority: RCW 80.01.040. 91-17-093 (Order R-347, Docket No. TG-901089), § 480-70-130, filed 8/21/91, effective 9/21/91. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-130, filed 1/14/91, effective 2/14/91; Order R-26, § 480-70-130, filed 5/14/71; Order R-5, § 480-70-130, filed 6/6/69, effective 10/9/69.]

WAC 480-70-150 Certificates, applications--Notice to existing carriers. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder. Not included are applications for contract certificates under fully executed contracts with the United States of America or any agency thereof.

(2) Except as hereinafter provided, the commission shall notify by means of its weekly application docket all known existing solid waste collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders or a solid waste collection organization, association, or conference on behalf of such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Applications for authority to provide service to the United States of America or any agency thereof shall not be subject to docketing and protest.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-150, filed 1/14/91, effective 2/14/91; Statutory Authority: RCW 80.01.040. 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-150, filed 9/25/85; 82-13-089 (Order R-191, Cause No. TG-1575), § 480-70-150, filed 6/23/82; Order R-19, § 480-70-150, filed 5/12/70; Order R-5, § 480-70-150, filed 6/6/69, effective 10/9/69.]

WAC 480-70-155 Contemporaneous applications.

(1) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days following the mailing of the notice of the filing of the initial application specified in WAC 480-70-150 in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(2) The commission may consolidate overlapping applications, pursuant to WAC 480-09-610.

(3) Overlapping applications which are not filed within thirty days after mailing of the notice of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(4) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-70-155, filed 10/30/91, effective 11/30/91.]

WAC 480-70-230 Dual operation. (1) Solid waste collection companies which, after securing a certificate of public convenience and necessity under the provisions of chapter 295, Laws of 1961 (chapter 81.77 RCW), will also be operating under a common carrier or contract carrier permit issued pursuant to the provisions of chapter 81.80 RCW, who will use the same motor vehicle equipment in dual operations requiring both a certificate under chapter 295, Laws of 1961 (chapter 81.77 RCW), as amended, and a permit under the provisions of chapter 81.80 RCW, must properly identify equipment and pay applicable fees under the provisions of both statutes. There must be filed with the commission certificates of liability and property damage insurance, by which the insurance company agrees to provide the necessary insurance coverage for operation of the vehicle under both chapter 295, Laws of 1961 (chapter 81.77 RCW), and chapter 81.80 RCW.

(2) In cases of dual operation also requiring common and/or contract motor carrier permits issued under chapter 81.80 RCW the operator shall file separate reports commencing with the calendar year 1972. Such motor carrier reports shall, at the minimum, contain the segregated revenues applicable to the operations under the motor carrier permit and shall contain a listing of the revenue equipment fully and partially dedicated to such operations and such expenses and net investment as are capable of direct assignment. However, companies filing separate reports under common or contract motor carrier permits and reporting over \$100,000 in annual gross operating revenues from such common or contract

motor carrier operations must report on a fully separated basis, operating revenues, operating expenses and operating property together with related reserves for depreciation in order that net operating income as well as net investment under common or contract motor carrier permits can be determined. To the extent that these elements are not wholly directly assignable such reports must reflect separations based on reasonable allocations and apportionments.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-230, filed 1/14/91, effective 2/14/91; Order R-31, § 480-70-230, filed 10/18/71; Order R-5, § 480-70-230, filed 6/6/69, effective 10/9/69.]

WAC 480-70-240 Tariff, naming rates and charges.

(1) Every solid waste collection company shall file with the commission and post at carrier's main office or carry on trucks, its tariff showing all rates and charges, including container rentals or other accessorial charges, for the transportation and disposal of solid waste between all points on its line, route, or territory.

(a) Tariffs must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(b) Tariffs must be submitted on forms prescribed or approved by the commission. Prescribed forms may be obtained from any commission office. Substitute forms must contain all information required by the commission. Tariffs not containing such information shall be rejected.

(c) Rates and charges shall cover a complete service, including disposal, unless a charge for disposal is specifically provided by the tariff.

(d) Two copies of all such tariffs shall be transmitted to the commission with a letter of transmittal. The letter of transmittal must be filed in duplicate so that the commission may stamp the receipt date on one copy of said letter and return it to the carrier filing the tariff.

(2) When two or more solid waste collection companies, under common control or management, operate in the same territory, rates and charges applicable to the transportation and disposal of solid waste in the common territory must be published in a single tariff to which all such companies must be parties and must be equal for identical service.

[Statutory Authority: RCW 80.01.040. 92-01-052 (Order R-358, Docket No. TG-900715), § 480-70-240, filed 12/11/91, effective 1/11/92; Order R-73, § 480-70-240, filed 6/25/75; Order R-31, § 480-70-240, filed 10/18/71; Order R-5, § 480-70-240, filed 6/6/69, effective 10/9/69.]

WAC 480-70-260 Insurance endorsement. All liability and property damage insurance policies issued to solid waste collection companies shall carry a uniform motor carrier bodily injury and property damage liability endorsement.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-260, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-260, filed 6/6/69, effective 10/9/69.]

WAC 480-70-280 Surety bond. Should a solid waste collection company elect to file a surety bond in lieu of liability and property damage insurance such bond shall be in the following form:

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ of the city of _____, state of Washington, as principal, and _____ a corporation organized and existing under and by virtue of the laws of _____, and authorized to transact business in the state of Washington under the laws thereof, as surety, are held and firmly bound unto the state of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors, and assigns, severally by these presents.

This bond is written in pursuance of and is to be construed in accordance with chapter 295, Laws of 1961 (chapter 81.77 RCW), as amended, and the rules and regulations of the Washington utilities and transportation commission, adopted thereunder; is to be filed with the state for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the common or contract carrier (principal herein) under and by virtue of its or his permit and/or certificate issued by the Washington utilities and transportation commission.

SCHEDULE

On each motor vehicle used for the transportation of property and/or solid waste:

- \$ 25,000 for any recovery for personal injury by one person, and
- \$100,000 for all persons receiving personal injury by reason of one act of negligence, and
- \$ 10,000 for damage to property of any person other than the principal

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 295, Laws of 1961 (chapter 81.77 RCW), as amended, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the principal by reason of any act of negligence on the part of said principal, its or his agents or employees in the operation of motor propelled vehicles in transporting property and/or solid waste for compensation under its or his certificate issued by the Washington utilities and transportation commission then this obligation is to be void, otherwise to remain in full force and effect.

Provided: That if the total liability herein for any reason be decreased by payment made by the surety or otherwise, written notice of such decrease will be given forthwith to the Washington utilities and transportation commission by the surety.

This bond may be canceled by the surety at any time by filing written notice with the Washington utilities and transportation commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective within thirty days after the receipt of such notice by the Washington utilities and transportation commission.

Signed, sealed and dated this _____ day of _____, 19___

Principal

Surety

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-280, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-280, filed 6/6/69, effective 10/9/69.]

WAC 480-70-325 Equipment--Inspection--Ordered for repairs. (1) All motor vehicles operated under chapter 81.77 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

[Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-325, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-70-325, filed 2/27/90, effective 3/30/90.]

WAC 480-70-330 Drivers, hours of work. (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all solid

waste collection companies operating under chapter 81.77 RCW.

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

[Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-330, filed 12/31/91, effective 1/31/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-330, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-330, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-70-330, filed 11/7/85. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-330, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-330, filed 8/7/80; Order R-5, § 480-70-330, filed 6/6/69, effective 10/9/69.]

WAC 480-70-335 Out-of-service criteria. All drivers operating motor vehicles under chapter 81.77 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

[Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-335, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-70-335, filed 2/27/90, effective 3/30/90.]

WAC 480-70-340 Annual fee. (1) Every solid waste collection company shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intra-state operations for the preceding calendar year, or portion thereof.

(2) Every statement of gross operating revenue so filed shall be accompanied by a fee based upon such gross operating revenue and at a rate to be fixed each year by notice or order of the commission. Such fee shall in no case be less than one dollar.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-340, filed 1/14/91, effective 2/14/91; Order R-57, § 480-70-340, filed 11/7/73; Order R-5, § 480-70-340, filed 6/6/69, effective 10/9/69.]

WAC 480-70-350 Accounts--Uniform system adopted--Reports. (1) Effective January 1, 1989, a "uniform system of accounts" is hereby prescribed for use of solid waste collection companies in the state of Washington operating under chapter 295, Laws of 1961 (chapter 81.77 RCW).

(2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:

Class A - Those carriers having an annual yearly gross revenue of \$500,000 or over per year.

Class B - Those carriers having an annual yearly gross revenue of less than \$500,000 per year.

As set forth in the above classification, any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

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

(4) For purposes of rendering annual reports, solid waste collection companies shall secure from the commission the proper forms and make and file annual reports as soon after the close of the calendar year as possible, but in no event later than May 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the solid waste collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the solid waste collection company operated and shall show on the face thereof the exact period covered thereby.

(6) Each solid waste collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route order, for a period of three years subject to inspection by the commission so that the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-350, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040.]

90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-70-350, filed 12/15/89, effective 1/15/90. Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)]. 81-15-093 (Order R-167, Cause No. TG-1502), § 480-70-350, filed 7/22/81; Order R-31, § 480-70-350, filed 10/18/71; Order R-5, § 480-70-350, filed 6/6/69, effective 10/9/69.]

WAC 480-70-360 Contracts. (1) Contracts between contract carriers and their shippers shall be terminable within the period for which they are written only in the manner provided in the contract and upon not less than five days' notice to the commission and each contracting party, and every such contract shall so provide.

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

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

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

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

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

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

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-360, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-360, filed 6/6/69, effective 10/9/69.]

WAC 480-70-390 Discontinuance of service, commission approval required. No solid waste collection

company shall discontinue the service called for under its certificate and tariff schedule filed thereunder without first having given to the commission and to the public at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-390, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-390, filed 6/6/69, effective 10/9/69.]

WAC 480-70-400 Driver qualifications, hazardous materials transportation, and equipment safety. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2; part 393; 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 sections 396.17 through 396.25; and part 397 are adopted and prescribed by the commission to be observed by all solid waste collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189 are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all solid waste collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every solid waste collection company operating under chapter 81.77 RCW who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 383, part 391.1 through part 391.71, 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) are adopted and prescribed by the commission to be observed by all solid waste collection companies operating under chapter 81.77 RCW except:

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

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

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

(iv) Section 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.

(v) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of Part 391 unless the vehicle 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.

(e) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040. 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-400, filed 12/31/91, effective 1/31/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-400, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-400, filed 2/23/89. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-400, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 82-05-021 (Order R-183, Cause No. TG-1568), § 480-70-400, filed 2/10/82; 81-19-034 (Order R-176, Cause No. T6-1527), § 480-70-400, filed 9/10/81; 81-18-047 (Order R-172, Cause No. TG-1509), § 480-70-400, filed 8/28/81. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-400, filed 8/7/80; Order R-5, § 480-70-400, filed 6/6/69, effective 10/9/69.]

WAC 480-70-405 Accident reporting. (1) Accidents occurring in this state arising from or in connection with the operations of any solid waste company operating under chapter 81.77 RCW, resulting in an injury to any

person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(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 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-405, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-405, filed 2/23/89. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-405, filed 8/7/80.]

WAC 480-70-420 Penalty assessments. In addition to all other penalties provided by law, every solid waste collection company and every officer, agent, or employee of every such company who violates or procures, aids, or abets in the violation of any law, rule, regulation, or commission decision applicable to such company shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-420, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-420, filed 6/6/69, effective 10/9/69.]

WAC 480-70-440 Solid waste collection companies statute applicable. Solid waste collection companies are subject to the following statutes:

RCW 81.04.130	*Suspension of tariff changes
RCW 81.04.405	Penalties for violations by public service companies
RCW 81.28.010	Duties of carriers as to rates and charges
RCW 81.28.040	*Tariff schedules to be filed
RCW 81.28.050	*Tariff changes, statutory notice
RCW 81.28.080	Published rates to be charged
RCW 81.28.180	Rate discrimination prohibited
RCW 81.28.190	Unreasonable preferences prohibited
RCW 81.28.210	Rebating prohibited
RCW 81.28.230	Upon complaint or own motion commission shall fix reasonable rates.

*Also contained in rules of tariff circular 6.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-440, filed 1/14/91, effective 2/14/91; Order R-5, § 480-70-440, filed 6/6/69, effective 10/9/69.]

WAC 480-70-500 Operational requirements. For those certificated solid waste collection companies handling biohazardous or biomedical waste as defined in WAC 480-70-050, the following requirements shall apply:

An operational plan shall be prepared for handling and transporting biohazardous or biomedical waste which shall include:

(1) A method of receiving biohazardous or biomedical waste that ensures that biohazardous or biomedical waste is handled separately from other solid waste until treatment or disposal, and that prevents unauthorized persons from having access to or contact with the biohazardous or biomedical waste;

(2) A method of loading and unloading biohazardous or biomedical waste that limits the number of persons handling the waste and minimizes the possibility of exposure to biohazardous or biomedical waste of employees and the public;

(3) A method of decontaminating transport vehicles used to haul biohazardous or biomedical waste;

(4) Provision of and required use of clean gloves and uniforms along with other protective clothing to provide protection of those employees required to load, unload, and transport biohazardous or biomedical waste;

(5) A means of decontaminating any person having had bodily contact with [a] biohazardous or biomedical waste while transporting the waste to the treatment, storage, or disposal site.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-500, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-500, filed 6/21/90, effective 7/22/90.]

Reviser's note: RCW 34.05.395 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 480-70-570 Reporting of accidents. (1) Each common or contract solid waste hauler transporting biohazardous or biomedical waste in this state shall report to the commission as soon as possible, but in no event later than twelve hours after any leakage or spillage of biohazardous or biomedical waste which could endanger employees of the carrier or the public at the scene of an accident or any accident involving injury to any person, death of any person, or property damage. 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 described in subsection (1) of this section shall be filed with the commission and maintained in the main office of the carrier subject to inspection by the commission.

[Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-570, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-570, filed 6/21/90, effective 7/22/90.]

WAC 480-70-990 Repealed. See Disposition Table at beginning of this chapter.

Chapter 480-80 WAC

UTILITIES GENERAL--TARIFFS

WAC

480-80-047 Access charges.

WAC 480-80-047 Access charges. (1) Review of tariffed access charges required. All local exchange telecommunications companies in the state of Washington shall annually review and if necessary update the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission. The review shall be conducted in the manner prescribed in the Eighteenth and Nineteenth Supplemental Orders in Cause No. U-85-23 et al., including the transition to a twenty-five percent allocation factor, or as may be otherwise prescribed by commission order or rule, and each company's access charge revenue requirement shall be adjusted for changes in extended area service routes that have occurred since the previous update.

(2) Filing dates. The review shall be conducted and a report of results filed by July 1 of each year beginning October 1, 1991. Each company shall at the same time file such revised tariffs as it may deem to be required by its report. The tariffs shall be effective September 1 of the same year. The tariffs shall reflect usage and cost data of the previous year.

(3) Data filing requirement. With each annual report, each company shall also file complete workpapers and data sufficient for the staff of the commission to review the correctness of the report and related tariff filing, if any.

(4) A company with special circumstances may petition for exemption from this rule. A company with less than five thousand access lines may seek and obtain a waiver of this rule for a given year: *Provided*, That the rule may not be waived in two consecutive calendar years.

[Statutory Authority: RCW 80.01.040. 91-13-003 and 91-17-045 (Order R-344, Docket No. UT-900880), § 480-80-047, filed 6/6/91 and 8/20/91, effective 7/7/91 and 9/20/91.]

Chapter 480-120 WAC

TELEPHONE COMPANIES

WAC

480-120-021 Glossary.
480-120-031 Accounting.
480-120-057 Deposit or security—Interexchange telecommunications companies.
480-120-061 Refusal of service.
480-120-106 Form of bills.
480-120-126 Safety.
480-120-136 Preservation of records.
480-120-137 Customer-owned pay telephones—Interstate.
480-120-138 Pay telephones—Local and intrastate.
480-120-141 Alternate operator services.
480-120-143 Local service to aggregators.

480-120-400	Purpose.
480-120-405	Definition of extended area service.
480-120-410	Local calling capability.
480-120-415	Determination of extended area service routes.
480-120-420	Revenue requirements and rate design.
480-120-425	Community calling fund.
480-120-430	Impact on current compensation arrangements.
480-120-435	Petition for waiver.

WAC 480-120-021 Glossary. Alternate operator services company – any corporation, company, partnership, or person other than a local exchange company providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators. The term "operator services" in this rule means any intrastate telecommunications service provided to a call aggregator location that includes as a component any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than (1) automatic completion with billing to the telephone from which the call originated, or (2) completion through an access code use by the consumer with billing to an account previously established by the consumer with the carrier.

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

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

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

Billing agent – A person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.

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

Call aggregator – a person who, in the ordinary course of its operations, makes telephones available for intrastate service to the public or to users of its premises, including but not limited to hotels, motels, hospitals, campuses, and pay telephones.

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

Commission (agency) – in a context meaning a state agency, the Washington utilities and transportation commission.

Commission (financial) – in a context referring to compensation for telecommunications services, a payment from an AOS company to an aggregator based on

the dollar volume of business, usually expressed as a percentage of tariffed message toll charges.

Competitive telecommunications company – a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.

Competitive telecommunications service – a service which is classified as such by the commission pursuant to RCW 80.36.330.

Consumer – user not classified as a subscriber.

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

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

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

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

Interexchange telecommunications company – a telecommunications company, or division thereof, that does not provide basic local service.

Location surcharge – a flat, per-call charge assessed by an alternate operator services company on behalf of a call aggregator in addition to message toll charges, local call charges, and operator service charges. A location surcharge is remitted, in whole or in part, to the call aggregator-customer.

Operator service charge – a charge, in addition to the message toll charge or local call charge, assessed for use of a calling card, a credit card or for automated or live operator service in completing a call.

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

Person – unless the context indicates otherwise, any natural person or an entity such as a corporation, partnership, municipal corporation, agency, or association.

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

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

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

Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-021, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-021, filed 1/31/89. Statutory Authority: RCW 80.01.040. 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-021, filed 5/12/86, effective 7/31/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-021, filed 11/7/85. Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-021, filed 9/18/79. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-021, filed 2/28/79; Order R-25, § 480-120-021, filed 5/5/71. Formerly WAC 480-120-030.]

Reviser's note: RCW 34.05.395 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 480-120-031 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, effective January 1, 1988, 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 access lines as follows:

Class	Number of Access Lines
A	In Excess of 10,000
B	Less than 10,000

Upon authorization by the commission, a company presently classified by the commission as a Class B company but desiring more detailed accounting may adopt the accounts prescribed for Class A companies. Class B companies authorized to adopt the accounts prescribed for Class A companies shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(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) 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.

(d) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084—State access revenue, showing separately the following: Intrastate revenues from end users (subscriber line charges); special access revenues; interLATA and intraLATA switched access revenues, identified as revenue derived from the carrier common line and Universal Service Fund rate elements, and revenue derived from all other switched access rate elements; independent company settlements; and other access revenues.

(e) 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.

(f) 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.

(g) 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(h) and 3(l) for further exceptions to this rule.

(h) 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(g) is required. In such a case, a normalized tax accounting treatment will be required.

(i) 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.

(j) Any property which has been used in the provision of utility service, when acquired from a nonaffiliate 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. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.

(k) Amounts booked to Account 2005—Telecommunications plant adjustment, shall be treated as nonoperating 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.

(l) 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(g) 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 those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I

telecommunications companies. The annual report forms for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multistate operations shall report both total company and Washington results in their annual report. 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 sections (7) and (9)).

(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 multistate 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 multistate 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)(a) If a company prepares an annual separations cost study and furnishes a copy thereof to the National Exchange Carrier Association, Inc., (NECA), that company shall, upon request by the commission, make available for commission review at a company-designated location in Thurston County a copy of the same study material as has been so furnished to NECA. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which NECA's copy of the study is furnished to NECA.

(b) If a company prepares an annual separations cost study and furnishes a copy thereof to the Federal Communications Commission (FCC), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to the FCC. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which FCC's copy of the study is furnished to the FCC.

(9) Each telecommunications company shall file with the commission periodic results of operations statements showing total Washington per books, restating adjustments to per books, total Washington per books restated, and Washington restated intrastate results of operations.

Class A companies shall file periodic results of operations statements quarterly. Each quarterly statement shall show monthly and twelve months ended data for each month of the quarter reported. Class B companies shall show semiannual and twelve months ended results. For Class A companies, periodic results of operations statements shall be due ninety days after the close of the period being reported with the exception of the fourth quarter statement which shall be due no later than May 1 of the succeeding year. Class B companies shall file the June 30 ended and December 31 ended semiannual results of operations statements on October 1 and May 1 of each year, respectively.

The periodic results of operations statements shall be on a "commission basis" and restated for out-of-period items, nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses. By use of notes, an explanation of the restating adjustments shall accompany the results of operations statement.

"Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

The telecommunications companies shall use the allocation factors from their most recent separations cost study to develop the Washington intrastate results of operations.

(10) This rule shall not supersede any reporting requirements specified in a commission order, nor shall it be construed to limit the commission's ability to request additional information on a company specific basis as is deemed necessary.

(11) The annual budget of expenditures form for budgetary reporting for telecommunications companies will be published by this commission in accordance with chapter 480-140 WAC.

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

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

[Statutory Authority: RCW 80.01.040, 91-19-090 (Order R-349, Docket No. UT-910385), § 480-120-031, filed 9/17/91, effective 10/18/91; 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-031, filed 4/15/91, effective 5/16/91; 89-23-048 (Order R-311, Docket No. U-89-2864-R), § 480-120-031, filed 11/13/89, effective 12/14/89; 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 480-120-057 Deposit or security--Interexchange telecommunications companies. (1) Establishment of credit--interexchange telecommunications company. An interexchange telecommunications company may establish credit by demonstrating to the utility any one of the following subdivisions (a) or (b) of this subsection, subject to the provisions of subsection (4) of this section:

(a) Corporate debt rating. The interexchange telecommunications company or, if the interexchange telecommunications company is unable to comply with this provision, its parent or affiliated company, has undertaken to guarantee the payment of all charges incurred by the subscribing interexchange telecommunications company, has a corporate debt rating, according to Standard and Poor's of BBB or higher, or according to Moody's of Baa or higher, with respect to any outstanding general debt obligation; or

(b) When the interexchange telecommunications company has demonstrated to the utility, through the bimonthly provision of certified financial statements, the following financial criteria:

(i) A positive cash flow from total company operations over the past twelve months.

(ii) A minimum level of net worth at least equivalent to the deposit which would otherwise be required.

(iii) A current ratio (current assets-to-current liabilities) of 1.1 to 1 or a debt-to-equity ratio of 1.8 to 1.

(iv) A minimum accounts receivable turnover ratio (annual sales divided by average accounts receivable) of four over the last twelve months.

(2) Deposit or security requirements. A deposit or security shall be required from an interexchange telecommunications company under the following circumstances:

(a) When the interexchange telecommunications company has failed to establish credit as outlined above.

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

(ii) No delinquency notice based upon any bill or charge which is in dispute, whether prior to or subsequent to the effective date of this rule, shall be considered grounds from requiring a deposit or security.

(c) When an interexchange telecommunications company:

(i) Is initially provided service without a deposit or security on the basis of credit information supplied to the utility which is incorrect or cannot be verified by the utility and the interexchange telecommunications company would have otherwise been required to make a deposit or security; or

(ii) Has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or

(iii) Has given the utility cause to disconnect for non-payment, but the utility has elected not to disconnect service.

(d) Any new or additional deposit or security 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 5:00 p.m. of the first business day following notification.

(3) Types of deposit or security. Deposits or security may consist of cash, letters of credit or surety bonds, or any combination thereof.

(4) Amount of deposit or security.

(a) When a deposit or security shall be required by the utility, the deposit or security shall be equal to two months of estimated billings. If past service has been provided, the estimated billing shall be calculated based upon the average monthly billings over the past three months. Such a calculation is subject to revision based upon changes in the average of the past months' billings.

(b) Interexchange telecommunications companies whose billings exceed the estimated amount by ten percent shall be required, upon written or verbal notice to the interexchange telecommunications company, to make payment of either of the following at the interexchange telecommunications company's election, before the close of the next business day following receipt of the notice:

(i) Full payment of the charges specified in said notice; or all charges accrued to the time of payment providing the interexchange telecommunications company has been notified that it is liable for charges in addition to those charges specified in the notice.

(ii) Payment of a new or additional deposit or security in light of the interexchange telecommunications company's actual use based upon an estimated two months billing.

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

(5) Application of deposit or security. When an account of an interexchange telecommunications company is delinquent, the deposit or security may be applied by the utility toward satisfaction of the past due amount before disconnection is effected. Written notice of such application shall be promptly furnished to the interexchange telecommunications company. If an amount of security or deposit is applied toward satisfaction of any past due amount, the utility shall require an additional deposit or security in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit or security. Application of a deposit or security as provided for herein shall not prevent disconnection of service for failure by the interexchange telecommunications company to pay any past due amounts which may remain outstanding. However,

the utility may not disconnect service or apply security or deposit on amounts that are in dispute.

(6) Interest on deposits. Interest on deposits shall be in conformance with the guidelines set forth in WAC 480-120-056(7).

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

(a) Establishment of credit. Any deposit or security shall be refunded whenever the interexchange telecommunications company has established credit as outlined in subsection (1)(a) or (b) of this section.

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

(8) Should a larger or new deposit or security be required, the reasons therefor shall be specified in writing to the interexchange telecommunications company. Any requirement for a new or larger deposit or security shall be in conformity with the standards set forth in this rule.

(9) Alternative to deposit or security. An interexchange telecommunications company which does not satisfy the criteria in subsection (1) of this section may choose to pay for services in advance, in which case the requirement for deposit or security will not apply.

(a) Prepayment amount. An interexchange telecommunications company may prepay an initial amount equal to the most recent month's billings. If the interexchange telecommunications company has no billing history, the prepayment amount shall be equal to an estimate made by the utility of those charges that will be incurred by the interexchange telecommunications company in the following month. This amount shall be due on the first business day of the month to which it will apply.

(b) The utility shall hold the interexchange telecommunications company's prepaid amounts in an interest bearing account, which interest shall accrue to the benefit of the interexchange telecommunications company.

(c) Application of prepayment. The utility shall apply funds held in the prepayment account to bills incurred by the interexchange telecommunications company as they are issued during the month.

(d) Adjustments to prepayment amount. If the cumulative amount billed to the interexchange telecommunications company during any month exceeds the amount of prepayment, the interexchange telecommunications company shall, by the fifth business day of the following month, remit to the utility the amount by which the actual billed amount has exceeded the prepaid amount. If the cumulative amount billed is less than the amount of the monthly prepayment, the utility shall by the fifth business day of the following month refund the excess amount, or make appropriate adjustment to the prepayment amount for the current month. If actual billings for any month deviate from the prepaid amount by five percent or more, the prepayment for the ensuing months shall be adjusted to the level of the prior month's billing.

If during any month the interexchange telecommunications company adds additional services estimated to exceed the monthly prepaid amount by more than ten percent, the interexchange telecommunications company shall be required to remit an additional prepayment amount by the fifth business day following receipt of written or oral notice by the utility.

(e) Transition period. An interexchange telecommunications company which elects to pay for services in advance may retire any outstanding obligations prior to the first month in which prepayment is utilized by executing and fulfilling the terms of a promissory note for the retirement of such debt, interest free, in not more than three equal monthly installments. However, the interexchange telecommunications company shall not be required to make arrangements on any amounts in dispute.

(f) Disconnection. If an interexchange telecommunications company which has chosen to pay for services in advance fails to satisfy the obligations under this section, the utility may discontinue service to that interexchange telecommunications company two business days following oral notice of intent to discontinue service.

[Statutory Authority: RCW 80.01.040, 92-01-114 (Order R-352, Docket No. UT-910787), § 480-120-057, filed 12/18/91, effective 1/18/92; 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-057, filed 5/12/86, effective 7/31/86.]

WAC 480-120-061 Refusal of service. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(4) A utility may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same utility for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made: *Provided*, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. A nontelecommunication company applicant for service shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance of service under the provisions of WAC 480-120-081 (2)(a). A utility may offer a payment agreement at any time if deemed to be appropriate by the utility.

(5) A utility may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid

prior obligation to the same utility for the same class of service at that address until the obligation is paid or satisfactory arrangements are made.

(6) A utility may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.

(7) A local exchange company shall deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from a local exchange company shall state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.

[Statutory Authority: RCW 80.01.040, 92-01-115 (Order R-353, Docket No. UT-910788), § 480-120-061, filed 12/18/91, effective 1/18/92; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-061, filed 8/23/85. Statutory Authority: RCW 80.04.060, 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

WAC 480-120-106 Form of bills. Bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the alternate operator service company's billing agent and, where feasible, within ninety days after the effective date of this rule, the provider of the alternate operator service and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address where they can write to question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall in

turn, upon receiving it, provide a copy of this list to the commission for its review whenever a carrier is added or deleted.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW, 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-106, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91, 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-106, filed 1/31/89. Statutory Authority: RCW 80.01.040, 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71. Formerly WAC 480-120-210.]

WAC 480-120-126 Safety. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

Extreme vigilance shall be exercised to prevent the accumulation of trash and other fire hazards in or upon central office premises.

The storage of flammable and/or combustible materials in central office equipment spaces is prohibited.

[Statutory Authority: RCW 80.01.040, 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-126, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-126, filed 5/5/71. Formerly WAC 480-120-310.]

WAC 480-120-136 Preservation of records. (1) "Volume X, Part 42, Preservation of Records of Communication Common Carriers" adopted and published by the FCC effective January 1, 1991, is hereby prescribed as the preservation of records requirements of telephone utilities in the state of Washington.

(2) All records and reports required by these rules shall be retained on file in the office of the utility or in such other place as may be approved by the commission, for such time as is specifically provided in paragraph (1) and where no time is specified, for a period of three years.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) above, except by prior written permission of this commission.

[Statutory Authority: RCW 80.01.040, 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-136, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-136, filed 5/5/71. Formerly WAC 480-120-080 and 480-120-190.]

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

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

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code as those rules, regulations, and codes appear effective January 1, 1991.

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

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

[Statutory Authority: RCW 80.01.040, 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-137, filed 4/15/91, effective 5/16/91; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-137, filed 9/20/85.]

WAC 480-120-138 Pay telephones--Local and intrastate. Every telecommunications company operating an exchange within the state of Washington may allow pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission setting rates

and conditions applicable to the connection of pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, collect, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations. The term does not include in-room telephones provided by hotels, motels, hospitals, campuses or similar facilities for the use of guests or residents.

For purposes of these rules, the term "subscriber" is defined as a party requesting or using a public access line for the purpose of connecting a pay telephone to the telephone network.

(1) Pay telephones connected to the company network must comply with Part 68 of the Federal Communications Commission rules and regulations and the National Electric Code and National Electric Safety Code as they existed on January 1, 1991, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

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

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

(4) The charge for each directory assistance call paid by the consumer shall not exceed the prevailing per call charge for comparable directory assistance. In the absence of persuasive contrary evidence, the charge of U S WEST Communications for intraLATA directory assistance or AT&T for interLATA directory assistance shall be accepted as the prevailing charge. A location surcharge is not permitted.

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted on each pay telephone.

(6) Information consisting of the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) The method by which the consumer may obtain without charge an accurate quotation of rates, fees and surcharges; and

(b) The notices required by WAC 480-120-141(4).

In no case will the charges to the user exceed the quoted costs.

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

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

(9) The pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All pay telephones must provide access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply, where available, (a) restriction[,] which prevents fraud by selective blocking of 10XXX 1+ codes and (b) call screening to identify the line as one to which charges may not be billed, at appropriate tariffed rates.

(11) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) Pay telephones shall be connected only to public access lines in accordance with the approved tariffs offered by the local exchange company. Local exchange company pay telephones are not subject to this requirement.

(13) A subscriber must order a separate pay telephone access line for each pay telephone installed. Extension telephones may be connected to a pay telephone access line when the instrument:

(a) Prevents origination of calls from the extension station; and

(b) Prevents third party access to transmission from either the extension or the pay telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to pay telephone service, or other requirements contained in these rules, including interexchange carrier access requirements, will subject the pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber. WAC 480-120-081 (4)(g) shall not apply to such disconnections. Local exchange company field visits shall be charged to the subscriber if the charge is required by a pertinent local exchange company tariff.

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

It shall be the responsibility of the local exchange company to provide free of charge one current telephone directory each year for each public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.

Public access lines will be charged at rates according to the relevant tariff as approved by the commission.

(19) Disconnection of, or refusal to connect, a pay telephone for violation of these rules may be reviewed by the commission in a formal complaint under WAC 480-09-420(5) through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-138, filed 6/18/91; effective 7/19/91. Statutory Authority: RCW 80.01.040. 90-08-010 (Order R-316, Docket No. U-89-3323-R), § 480-120-138, filed 3/23/90, effective 4/23/90; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-138, filed 9/20/85.]

Reviser's note: RCW 34.05.395 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 480-120-141 Alternate operator services. All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission.

(1) Each alternate operator services company shall file with the commission at least every six months a current list of operator services customers which it serves and the locations and telephone numbers to which such service is provided to each customer. A customer list provided pursuant to this rule is proprietary information and, if identified when filed as required in WAC 480-09-015, is subject to the protections of that rule.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company.

(a) The AOS company shall withhold on a location-by-location basis the payment of compensation, including commissions, from a call aggregator, if the AOS company reasonably believes that the call aggregator is blocking access to interexchange carriers in violation of these rules.

(b) Violations of tariff, contract or other statements of conditions of service, in commission rules pertaining to AOS company service, or of other requirements contained in these rules, including interexchange carrier access requirements, will subject an aggregator to termination of alternate operator services if the deficiency is not corrected within five days from date of written notification to the aggregator. WAC 480-120-081 (4)(g) shall not apply to such terminations.

(c) AOS company actions in furtherance of this rule may be reviewed by the commission in a formal complaint under WAC 480-09-420 through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

(d) An AOS company shall refuse to provide operator services to a call aggregator who the commission has found to have knowingly and repeatedly violated commission rules regarding the provision of alternate operator service until the commission has found that the call aggregator will comply with relevant law and rule.

(3) For purposes of this section, "consumer" means the party initiating and/or paying for an interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, pay telephone, etc., contracting with an AOS for service.

(4) An alternate operator services company shall require, as a part of any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger **Stymie Bold** type, the information provided in the following notice:

SERVICE ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator without charge to receive specific rate information; and

(iii) Directions to allow the consumer to reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide access from every instrument to 1-800 services and all available interexchange carriers; and

(d) Shall post, on or near the instrument, a notice stating whether a location surcharge or any other fee is imposed for telecommunications access through the instrument, the amount of any fee or location surcharge, and the circumstances when it will apply.

(e) Posting under these rules shall begin no later than October 1, 1991, and shall be completed no later than January 31, 1992. In the interim, posting in compliance with the immediate prior posting provisions of WAC 480-120-141 is required and shall constitute compliance with this rule.

(5) The alternate operator services company shall:

(a) Identify the AOS company providing the service audibly and distinctly at the beginning of every call, and again before the call is connected, including an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(ii) The message used by the AOS company shall state the name of the company as registered with the commission whenever referring to the AOS company. Terms such as "company," "communications," "incorporated," "of the northwest," etc., when not necessary to clear consumer identification of the entity providing service may be omitted when authorized by letter from the secretary of the commission.

(iii) The consumer shall be permitted to terminate the telephone call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer:

(A) A quote of the rates or charges for the call, including any surcharge;

(B) The method by which the rates or charges will be collected; and

(C) The methods by which complaints about the rates, charges, or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billing from the point of origin of the call. If

reorigination is not available, the AOS company shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange carriers, does not exceed one percent in the time consistent busy hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to determine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heavy traffic, such as national emergency, local disaster, holidays, etc.

(6) The alternate operator services company shall assure that persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

(7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities:

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the consumer dials zero (0) and no other digits within five seconds shall be routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

(8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and disputes.

(9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; surcharges; variable rates.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability, technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by U S WEST Communications for intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than the prevailing charges in the relevant market – intraLATA or interLATA – will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary evidence, the charges for U S WEST for intraLATA service and AT&T for interLATA service will be accepted as the prevailing charges.

(c) Surcharges; variable rates. No location surcharge may be added to without-charge calls nor to a charge for directory assistance. No tariff may provide for rate levels which vary at the option of a call aggregator, provided, that an aggregator may waive application of the surcharge to calls from its instruments, and provided further, that an AOS company may establish a tariff rate for high-cost locations if the conditions for application of the rate confine it to locations with substantially higher than average operating costs.

(11) Rates to the consumer for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services in the relevant market – intraLATA or interLATA – unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, rate levels of U S WEST for intraLATA service and AT&T for interLATA service will be considered the prevailing rate.

(12) Fraud prevention.

(a) A company providing interexchange telecommunications service may not bill a call aggregator for charges billed to a line for calls which originated from that line through the use of 10XXX+0; 10XXX+01; 950-XXXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications service may not bill to a call aggregator any charges for collect or third number billed calls, if the line serving to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

(c) Any calls billed through the local exchange carrier in violation of subparagraphs (a) or (b) above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by

the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the interexchange telecommunications company as not billable.

(d) Any call billed directly by an alternate operator service company, or through a billing method other than the local exchange company, which is billed in violation of subparagraphs (a) and (b), above, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening which would have protected the call, which is offered by the LEC and was subscribed to by the call aggregator, was not operational at the time the call was placed, the AOS company shall bill the LEC for the call.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-20-162 (Order R-348, Docket No. UT-910828), § 480-120-141, filed 10/2/91, effective 11/2/91; 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-141, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-141, filed 1/31/89.]

WAC 480-120-143 Local service to aggregators.

The local exchange company's tariff shall provide that every aggregator offering local calls on a per-call basis must provide without-charge access to 911, where available, and to the local exchange company operator.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-143, filed 6/18/91, effective 7/19/91.]

WAC 480-120-400 Purpose. The purpose of WAC 480-120-400 through 480-120-435 is to set forth the standards and procedures under which the commission will consider the creation of new extended area service routes. The commission finds that the creation of extended area service routes is in the public interest, where the establishment of those routes meets the standards set forth in WAC 480-120-400 through 480-120-435. The commission further finds that where extended area service is offered by operation of WAC 480-120-400 through 480-120-435, it is a local exchange calling service.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-400, filed 1/14/91, effective 2/14/91.]

WAC 480-120-405 Definition of extended area service. (1) As used in this chapter, "exchange" shall be as defined in WAC 480-120-021.

(2) As used in this chapter, "extended area service" means mandatory, two-way, seven digit local calling service between exchanges that provides the ability to call from one exchange to another exchange without incurring a toll charge.

(3) As used in this chapter, "embedded extended area service routes" means those extended area service routes which exist prior to the effective date of WAC 480-120-400 through 480-120-435.

(4) As used in this chapter, "local calling capability" means the percent of the total intrastate intraLATA minutes originating in an exchange that terminates within the local calling area, except where an interLATA extended area service route is proposed, in which case "local calling capability" means the percent of total intrastate minutes originating in an exchange that terminates within the local calling area. In calculating the local calling area, the local exchange company shall treat calling by foreign exchange subscribers as toll calling.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-405, filed 1/14/91, effective 2/14/91.]

WAC 480-120-410 Local calling capability. (1) For each exchange whose local calling capability is below eighty percent the local exchange company shall identify extended area service routes to improve the local calling capability. The company shall consider those routes where, based on a three-month average, at least 50% of the customers of the qualifying exchange make two or more intraLATA toll calls per month to the other exchange. In determining whether an exchange meets these criteria, the company shall include relevant foreign exchange calling.

The commission may waive these criteria if it determines that it is in the public interest.

(2) In determining which exchanges to incorporate into an expanded local calling area, the local exchange company shall consider at least the following:

- (a) The most frequently called exchange;
- (b) The exchange to which there is the widest distribution of residential calling;
- (c) Exchanges that are contiguous to the local calling area of the exchange.

(3) Companies may propose extended area service for exchanges that do not qualify under the 80% threshold established in this rule. Except for routes that form part of a two-way EAS with qualifying exchanges, such routes will be considered outside of the revenue recovery provisions of this rule and will not be eligible for support from the community calling fund.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-410, filed 1/14/91, effective 2/14/91.]

WAC 480-120-415 Determination of extended area service routes. (1) On or before March 31, 1991, and each five years thereafter, each local exchange telecommunications company shall file a study of each of its exchange(s)' local calling capability.

(2) The local exchange company shall notify the commission and the other affected local exchange companies (if the other exchange(s) is (are) served by another local exchange company) and the designated intraLATA toll carrier, of the existence of potential extended area service routes to expand local calling capability. The commission and the involved company(ies) shall review and set priorities for the potential extended area service routes.

(3) On or before June 30, 1991, and each five years thereafter, a company shall file a schedule with priorities for engineering studies to establish extended area service routes, if any, which meet the criteria of WAC 480-120-410.

(4) The affected companies shall thereafter develop a proposed schedule to establish individual extended area service routes. The schedule shall include a timetable for engineering studies and a proposed date to file an extended area service tariff, or a petition for waiver from the requirement to establish the extended area service route for the study exchanges. The companies shall make a good faith effort to arrive at an agreed upon schedule for implementation of the route(s) and shall share with each other all necessary data to arrive at a mutually agreeable schedule. The schedule to establish an extended area service route or routes shall be deemed to be a petition under WAC 480-09-420. Each petition for an extended area service route or routes shall be docketed separately.

(5) If a proposed schedule cannot be agreed to by all affected companies, the commission will establish a schedule after giving an opportunity for all affected companies to be heard. If the companies present an agreed upon schedule, the commission will approve it, unless the commission finds it requires change for good reason, based upon a record.

(6) Within thirty business days after completion of the engineering study, the local exchange company or companies shall file with the commission a schedule indicating the dates at which the following will be completed: A cost estimate; a revenue requirement; a proposed tariff; and an implementation date for the tariff.

(7) Where an extended area service route affects more than one local exchange company, each company shall prepare and file its own tariff and supporting documentation. Such tariffs are subject to suspension pursuant to the rules of the commission.

(8) At the time it files its proposed tariff, the local exchange company or companies shall notify their affected customers of the proposed changes in a form substantially similar to the notice prescribed by WAC 480-80-125.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-415, filed 1/14/91, effective 2/14/91.]

WAC 480-120-420 Revenue requirements and rate design. (1) The change in revenue requirement associated with (a) new extended area service route shall be calculated as the net of all cost and revenue changes for access, toll, if applicable, and engineering and plant costs. Nontraffic sensitive (carrier common line charges) access revenue reductions shall not be included in the calculation to the extent that the inclusion would reduce the nontraffic sensitive cost allocation below the percentage prescribed by the commission in Cause No. U-85-23 et al. or any subsequent access cost proceeding.

(2) The revenue requirement calculated according to subsection (1) of this section shall be recovered as follows:

(a) Rates for customers in exchanges that receive additional local calling area may include an increment of up to \$3.50 per residential single party access line per month. The increment should bear a reasonable relationship to the increase in the local calling area.

(b) Any remaining revenue requirement for the new local calling areas shall be recovered from current earnings, if appropriate, and then from all of a company's local exchange rates. If a local exchange company rejects this procedure, the commission reserves the right to file a complaint against the company's rates and services.

(c) For companies eligible for assistance from the community calling fund established by WAC 480-120-425, any revenue requirement remaining after local rates in each exchange have been increased up to a limit of \$12.50 exclusive of any increment charged pursuant to paragraph (2)(a) of this section per single party residential access line per month shall be recovered from the fund.

(d) All residential and business local rates are subject to the changes described in this section. The references to residential rates are for bench mark purposes. The increases for other local rates may be more or less than those amounts, depending on the rate design approved by the commission in each case.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-420, filed 1/14/91, effective 2/14/91.]

WAC 480-120-425 Community calling fund. (1) A community calling fund is hereby created in order to transition and cushion the local rate effect of new extended area service on the customers of small local exchange companies. The community calling fund shall be administered by the Washington Exchange Carriers Association (WECA). WECA shall annually report and supply to the commission and all local exchange companies the status of the fund including the amount drawn by each recipient from the community calling fund.

(2) The community calling fund is to be funded by a charge based on all exchange access lines in the state of Washington.

(3) WECA shall annually calculate the amount required from the fund and local exchange companies may file a tariff to cover the charge calculated by WECA. If in an annual period the fund is excess to requirements, the surplus shall be adjusted for the next annual period to reflect the revenue requirement to be funded by the charge. If at any time the revenue from the community calling fund charge is insufficient to cover eligible draws from the fund, WECA may seek an upward revision to the charge. Until such a new rate is approved by the commission and in effect, recipients from the fund shall be supported on a pro rata basis.

(4) If a local exchange company that serves fewer than one hundred fifty thousand access lines has proposed the local rate increases required by WAC 480-

120-420; has a separated, intrastate rate of return of less than or equal to 11.13 percent or its authorized rate of return, whichever is less; and has increased local rates to the maximum reasonable level pursuant to WAC 480-120-420(2), the local exchange company is eligible for support from the community calling fund. A local exchange company applying for support shall supply data to the commission to audit rate of return eligibility on an annual basis.

(5) The community calling fund shall be reviewed in 1996 to determine if the fund should be terminated on January 1, 1997, and if terminated, any remaining funds shall be returned on a pro rata basis to all local exchange customers in the state via bill credits.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-425, filed 1/14/91, effective 2/14/91.]

WAC 480-120-430 Impact on current compensation arrangements. WAC 480-120-400 through 480-120-435 do not impact current compensation arrangements for embedded extended area service routes and those compensation arrangements may continue according to their terms. However, any local exchange company may petition the commission for support from the community calling fund for an embedded extended service route and if that petition is granted, any compensation arrangement for that route shall be terminated at the time community calling fund support is provided. The petition shall be filed and served upon interested parties and shall be accompanied by a petition to reopen the proceeding that established the current compensation arrangement. In considering any such petition, the commission will be guided by the eligibility standards of WAC 480-120-400 through 480-120-435, but will not be bound by them if the record supports the desirability of funding from the community calling fund in lieu of the current compensation arrangements.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-430, filed 1/14/91, effective 2/14/91.]

WAC 480-120-435 Petition for waiver. Upon petition, the commission may waive WAC 480-120-400 through 480-120-435 or any part.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-435, filed 1/14/91, effective 2/14/91.]

Chapter 480-140 WAC

COMMISSION GENERAL--BUDGETS

WAC

480-140-020 Who must file.
480-140-040 Preparation.

WAC 480-140-020 Who must file. All public service companies shall file budgets with the commission except (1) gas, water, telecommunications, telegraph, and electrical companies whose annual gross operating

revenues do not exceed one hundred fifty thousand dollars and (2) water companies who are required to file water system plans with the department of health in compliance with WAC 246-290-100. Water companies required to file such plans with the department of health shall concurrently file a copy of such plan with the commission.

[Statutory Authority: RCW 80.01.040, 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-020, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-020, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320, 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-020, filed 12/5/86; Order R-5, § 480-140-020, filed 6/6/69, effective 10/9/69.]

WAC 480-140-040 Preparation. Budgets shall be made in duplicate on forms furnished by the commission. The original and three copies shall be filed with the commission and one copy shall be kept by the company for its files. Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable." In no case shall any utility deviate from the requirements of these rules except upon a showing of good cause, and then only to the extent authorized by the commission in writing. For the purpose of the budget report an "individual major project," is defined according to the following schedule:

Company Construction Budget	Major Project
\$25,000 or less	\$2,000 or more
\$25,001 to \$50,000	\$2,500 or more
\$50,001 to \$100,000	\$10,000 or more
\$100,001 to \$500,000	\$15,000 or more
\$500,001 to \$1,000,000	\$50,000 or more
\$1,000,001 to \$5,000,000	\$100,000 or more
\$5,000,001 or more	\$500,000 or more

All other individual projects shall be listed by name, location, and estimated cost. For companies with utility operations in more than one state, the major project threshold shall be applied to all projects proposed to be located in the state of Washington and to all projects which will be partly or wholly allocated to Washington operations: *Provided*, That individual project description sheets shall be required only for those projects for which the assigned or allocated costs to Washington equal or exceed the threshold set forth in this rule.

[Statutory Authority: RCW 80.01.040, 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-040, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-040, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320, 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-040, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330, 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-040, filed 2/23/83; Order R-5, § 480-140-040, filed 6/6/69, effective 10/9/69.]

Title 490 WAC

**VOCATIONAL EDUCATION AND
VOCATIONAL REHABILITATION,
COMMISSION FOR**

**(SOCIAL AND HEALTH SERVICES, DEPT.
OF)**

- Chapters**
- 490-02** Incorporation of federal regulations by reference.
- 490-03** Affirmative action policy.
- 490-04A** Authority and organization for commission for vocational education.
- 490-05** Full-time personnel and functions to eliminate sex discrimination and sex stereotyping.
- 490-08A** Rules of practice and procedure.
- 490-16A** Occupational training of veterans—Approval of schools.
- 490-24A** Provision for public hearings, public meetings and public information.
- 490-25A** Rules and regulations relating to public records of the commission for vocational education.
- 490-28A** Minimum qualifications of personnel.
- 490-29** Vocational education personnel training.
- 490-31** Apprenticeship programs.
- 490-32A** Definitions for terms commonly used in vocational education activities.
- 490-33** Co-op education.
- 490-34** Program evaluation and compliance auditing.
- 490-36A** Conditions for approval of local educational agency programs.
- 490-37** Adjudication and review rules and procedures.
- 490-38** Service areas of the vocational-technical institutes and outside programs.
- 490-40A** Procedures for vocational education program development and services under contracts and agreements.
- 490-48A** Vocational youth organizations.
- 490-53** Program improvement.
- 490-60A** Home and family life education.
- 490-76A** Fiscal control and fund accounting procedures.
- 490-100** Private vocational school regulations.
- 490-300** Job skills program.
- 490-325** Commission for vocational education.

Chapter 490-02 WAC

**INCORPORATION OF FEDERAL REGULATIONS
BY REFERENCE**

WAC
490-02-010 Decodified.