

**Chapter 478-355 WAC
SMALL WORKS ROSTER**

WAC

478-355-010	Authority.
478-355-020	Purpose.
478-355-030	Project construction cost.
478-355-060	Administration.

WAC 478-355-010 Authority. This chapter is enacted by the board of regents of the University of Washington pursuant to RCW 28B.10.355 authorizing the university to establish a small works roster for public works projects with an estimated cost of less than one hundred thousand dollars.

[Statutory Authority: RCW 28B.10.355. 93-24-049, § 478-355-010, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-010, filed 3/26/86.]

WAC 478-355-020 Purpose. To expedite the award of public work contracts at minimum cost, the University of Washington executive vice president is authorized to establish a small works roster.

[Statutory Authority: RCW 28B.10.355. 93-24-049, § 478-355-020, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 28B.20.130. 88-19-041 (Order 88-01), § 478-355-020, filed 9/14/88. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-020, filed 3/26/86.]

WAC 478-355-030 Project construction cost. Whenever the estimated project construction cost of any University of Washington public work is less than one hundred thousand dollars, the University of Washington executive vice president is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

[Statutory Authority: RCW 28B.10.355. 93-24-049, § 478-355-030, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 28B.20.130. 88-19-041 (Order 88-01), § 478-355-030, filed 9/14/88. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-030, filed 3/26/86.]

WAC 478-355-060 Administration. The executive vice president is authorized to establish procedures for university use of its small works roster.

[Statutory Authority: RCW 28B.10.355. 93-24-049, § 478-355-060, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 28B.20.130. 88-19-041 (Order 88-01), § 478-355-060, filed 9/14/88. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-060, filed 3/26/86.]

**Title 480 WAC
UTILITIES AND TRANSPORTATION
COMMISSION**

Chapters

480-09	Procedure.
480-12	Motor carriers.
480-30	Auto transportation companies.
480-35	Limousine charter party carriers.
480-40	Passenger charter carriers.
480-70	Solid waste and/or refuse collection companies.
480-80	Utilities general—Tariffs.
480-93	Gas companies—Safety.
480-110	Water companies.
480-120	Telephone companies.
480-149	Tariff Circular No. 6.

**Chapter 480-09 WAC
PROCEDURE**

WAC

480-09-012	Incorporated and referenced materials.
480-09-115	Procedure at open public meetings.
480-09-120	Filing and service.
480-09-210	Rule making—Notice of proposed rule—Rules coordinator.
480-09-220	Petitions for rule making, amendment, or repeal.
480-09-320	Filing requirements—Master service.
480-09-330	Filing requirements—General rate increases.
480-09-420	Pleadings—Applications for authority—Protests.
480-09-425	Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.
480-09-480	Methods for obtaining data in adjudicative proceedings.
480-09-500	Brief adjudicative proceedings.
480-09-720	Appearances—Party status.
480-09-736	Hearing guidelines.
480-09-760	Interlocutory orders.
480-09-770	Briefs.
480-09-780	Entry of initial and final orders—Administrative review.
480-09-810	Reconsideration.

WAC 480-09-012 Incorporated and referenced materials. Any document that is incorporated by reference in a commission rule is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library, housed with the commission's headquarters office. The commission secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge and subject to copyright restrictions.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-012, filed 12/1/93, effective 1/1/94.]

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., Wednesdays, except the first and third Wednesday of each month and 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, 93-23-050 (Order R-402, Docket No. A-931053), § 480-09-115, filed 11/12/93, effective 1/1/94. 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 is 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 this rule, receipt in the commission's telefax machine, or similar device, does not constitute filing. The following documents may be filed by telefacsimile device when a hard copy is sent by mail, postmarked on the day of filing, and received in the normal course of commerce, except as specifically noted:

(i) Tariff filings, when a hard copy is filed the next business day, as provided in WAC 480-80-070;

(ii) Form E proof of insurance, when a hard copy is filed within ten days;

(iii) Tariff filings by solid waste companies, auto transportation companies, steamboat companies and motor carriers; and

(iv) Proposals to amend commission tariffs, as provided in WAC 480-12-295.

(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. Documents may be submitted single sided or double sided.

(i) The number of required copies is established to meet average commission need. Parties to a proceeding may in writing ask the commission secretary whether fewer are required in a given case. Parties to whom the required number of copies would be a hardship may request exemption from the stated number of copies, describing the nature of the hardship.

(ii) The commission encourages parties submitting prefiled testimony and exhibits, briefs and other pleadings to submit the document in electronic form, with the agreed number of hard copies. In some instances electronic submissions will substitute for hard copies. Unless other arrangements are made, text files may be submitted in a format compatible with WordPerfect 5.1 or in ASCII format and data may be submitted in a format compatible with Lotus 123.

(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. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-120, filed 12/1/93, effective 1/1/94. 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 480-09-210 Rule making—Notice of proposed rule—Rules coordinator. (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the *State Register*. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule. The commission shall submit a small business economic impact statement for publication in the *State Register* when required to do so by chapter 19.85 RCW, the Regulatory Fairness Act.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the *State Register*, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service based on the estimated actual cost of providing the service. It may decline to establish a fee for specific

groupings, and it may group industries together, for efficiency or administrative convenience.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-210, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-210, filed 9/1/92, effective 10/2/92; 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-210, filed 3/5/92, effective 4/5/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-210, filed 10/12/89, effective 11/12/89.]

WAC 480-09-220 Petitions for rule making, amendment, or repeal. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

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

(3) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Within sixty days after submission of a petition, the commission shall:

(a) Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner; or

(b) Initiate rule-making proceedings in accordance with chapter 34.05 RCW.

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

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-220, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-220, filed 10/12/89, effective 11/12/89.]

WAC 480-09-320 Filing requirements—Master service. The commission will maintain a master service list for each adjudication on which a hearing is held. The list will contain the name and address of each party to the proceeding.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-320, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-320, filed 10/12/89, effective 11/12/89.]

WAC 480-09-330 Filing requirements—General rate increases. General rate increase filings for utility

companies shall include, at a minimum, the following information:

(1) Twenty copies of all testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held. The filing shall also include three copies of supporting work papers. If the testimony, exhibits or work papers refer to a document, including but not limited to a report, study analysis, survey, article or decision, that document shall be provided as a work paper. If the document is voluminous it need not be provided with the filing but shall be made available upon request.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes. If the company proposes to calculate an adjustment in a manner differing from the method that the commission most recently accepted or authorized for the company, it shall also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and measurable changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, annualized, as applicable. In presenting the following information, the company shall itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. It shall include in its rate change percentage and revenue change calculations

any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs.

(a) The date and amount of the latest prior general rate increase authorized by the commission, and the revenue realized from that authorized increase in the test period, based on the company's test period units of revenue.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue change in percentage, in total and by major customer class.

(d) Requested revenue change in dollars, in total and by major customer class.

(e) Requested rate change in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) Contemporary with its filing, the company shall mail the summary document required in subsection (3) of this section to public counsel and to all intervenors on the commission's master service list for the company's most recent general rate case and all intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits are available from the company upon request. This provision does not create a right to notice in persons named to receive the summary.

(5) The most recent annual report to shareholders, if any; the most recent FERC Form 1, if applicable; and for the most recent two years prior to the filing date, supply the company's Form 10Ks, Form 100s, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-330, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-330, filed 10/12/89, effective 11/12/89.]

WAC 480-09-420 Pleadings—Applications for authority—Protests. Pleadings. Pleadings before the

commission include formal complaints, petitions, answers, replies, and written motions.

(1) Legibility; size; length; service. All pleadings shall be legible and, unless a different size is required by the nature of the pleading, submitted on 8-1/2 x 11 inch paper. Pleadings shall not exceed sixty pages without permission from the commission. Unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the words (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name of the party if more than one party has the same role in the proceeding]).

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

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies of each pleading in transportation matters except transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application or by a

rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) Petitions - contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) Motions.

Motions shall be filed separately from any other filing and will not be considered if merely stated within the text of correspondence or a different pleading. The commission may refer to the rules in the superior court of Washington as guidelines for handling of motions.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425 and 480-09-810(4), any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) Reply. The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

[Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-420, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-420, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-420, filed 10/12/89, effective 11/12/89.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, 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 motions. Unless good cause is shown for a delay, any motion directed to a pleading must be 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. Filing a motion to dismiss a pleading, or seeking a similar remedy,

does not stay the time for answering the pleading. Other motions shall be filed within the times specified in WAC 480-09-420 or 480-09-736.

(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. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(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, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-425, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-425, filed 9/1/92, effective 10/2/92. 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 480-09-480 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, a solid waste company, or a segment of the transportation industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) 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) Record requisition. A request for data made on the record during a hearing session or during a deposition.

(e) Bench request. A request for data made by or on behalf of the presiding officer.

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

(3) When available. The requests for data 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. In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. Disputes arising from use of the procedures in this section will be heard at the earliest reasonable time. Telephone hearings or conferences are encouraged for the argument of discovery disputes. Discovery rulings may be made on the record or by written order. Discovery rulings are subject to review under WAC 480-09-760.

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

(a) Data requests, record requisitions, and bench request.

(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. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. 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. Each party shall number its data requests sequentially as submitted. Record requisitions and bench requests shall each be described on the record and consecutively numbered.

(ii) Responses. Responses to data requests and record requisitions shall be sent to the requesting party and to any other party who shall have requested a copy, so long as responses are consistent with the terms of any protective

order which may be entered in the proceeding. The commission staff copy shall be sent to the assistant attorney general representing the commission staff unless the attorney requests an alternative method. Written responses to bench requests shall be served on all parties and filed with the commission in the same manner and quantity as predistributed exhibits.

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. Responses to record requisitions and bench requests shall be submitted within ten days, excluding weekends and holidays, after the transcript is delivered to the commission unless the presiding officer specifies another schedule. Parties who anticipate problems in making a timely response shall notify other parties of the expected difficulties immediately.

No response to a data request, bench request, or record requisition 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. Should all parties request or consent to participation by an administrative law judge in the deposition, 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 or by the party requesting the deposition. 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. The portions proposed to be offered shall be distributed as other predistributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

(C) Corrections in the deposition transcript may be made only by motion filed within ten days after delivery of the transcript. Corrections will be allowed only to correct transcription errors and not to modify testimony, provided that a witness has the duty to supplement her or his response immediately, upon learning that the prior response was incorrect when made or upon learning that a response, correct when made, is no longer correct.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition for the purpose of offering a complete picture of the witness' testimony. Offers for other purposes, as for impeachment or to eliminate the need to repeat questions and answers, may be made at any time. Time limits may be modified by prehearing order to the extent necessary to conform to 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 for resolution as provided in subsection (4) of this section.

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 the commission or the presiding officer to the extent necessary to conform to the commission's hearing schedule.

If a party fails or refuses to comply with a commission order or an administrative law judge's order that is not reviewed 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, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-480, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-480, filed 9/1/92, effective 10/2/92. 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;
- (d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties; and
- (e) In addition, the commission may hear any other adjudicative matter in a brief adjudication upon the request or consent of all parties to the proceeding, when notice and an opportunity to participate need not be given to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission desires to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient to satisfy the parties' and the commission's interests.

(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. If it grants the request, the commission shall designate a review judge, a hearing examiner, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall

submit a written explanation of its view of the matter along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding. In the discretion of the commission or 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 commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(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 brief written statement, which shall be served upon all parties within ten days after the date of the brief adjudication.

(4) The brief written statement is an initial order. If no party seeks review of the initial order, it shall become the final order only on adoption by the commission.

(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 twenty days after the deadline for requesting review 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, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-500, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-500, filed 9/1/92, effective 10/2/92. 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 480-09-720 Appearances—Party status. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the court reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1).

(2) Party status may not be accorded to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, without a showing of good cause for failing to timely appear.

[Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-720, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-720, 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 may when appropriate suspend or modify the guidelines or use measures not specified in this rule.

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

(2) Motions related to evidence or to the procedural course of the hearing, but not involving dismissal of a party or a part of the proceeding, 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. The presiding officer should be notified no later than the start of the hearing session of any motion that may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer shall set a time prior to the start of the presentation of evidence for marking, distribution, and argument regarding exhibits to be offered during the day and for arguing other matters.

(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 predistribution of evidence is required, each party shall file twenty copies of its evidence with the commission. For predistributed evidence only, parties need not also serve copies on the commission staff, the accounting adviser, the administrative law judge, or the assistant

attorney general. 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. Counsel should not ask the witness on the stand to correct obvious typographical errors in the prefiled testimony if more than three corrections are required, but should submit an errata sheet or revised documents. The original and required number of copies of the errata sheet or corrected text shall be submitted at the hearing. Substantive revisions shall be disclosed to other parties as soon as need for the revision is discovered. Corrections and revisions should be made or attached to all documents distributed at the hearing before the copies are distributed. Subsection (10) of this section governs other aspects of revising and offering predistributed testimony and exhibits.

(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-T)	Ex (JQW-2)
Ex (JQW-I)	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.

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size, reduced to that size, or folded to that size if reduction would be illegible, 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 documents may be used at the hearing for illustrative purposes so long as a reduction is provided for inclusion in the record.

(10) Any revisions to predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions shall be highlighted, in legislative style or other manner clearly indicating the change for comparison with the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit. Counsel should identify revisions by page and date at the time an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate. Subsection (6) of this section governs other aspects of revising and presenting predistributed exhibits.

(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 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.

(14) Petitions or motions seeking the dismissal of any party or any portion of a proceeding, or that in the moving party's judgment require the submission of a written motion, petition, brief or statement of authorities, shall be filed with the commission and served on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent, unless the commission finds that later filing is reasonable under the circumstances. Answers shall be filed with the commission and served on other parties at least three days prior to the hearing. Oral argument may be allowed on the record in the commission's discretion. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt within the required time.)

(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. Longer or shorter limits may be established by the presiding officer when good cause is shown. Number and complexity of the issues shall be considered in varying the allowed length of briefs. Briefs shall comply with WAC 480-09-770.

(17) Each party will bear its own costs for transcripts or tape recordings, 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.

(20) The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Instead, the presiding officer may ask generally whether there are objections, and persons having objections shall state them. Failure to respond or object means that the party does not object, and shall constitute a waiver of the right to object.

[Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-736, filed 12/1/93, effective 1/1/94. 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 480-09-760 Interlocutory orders. The commission has discretion to accept or decline review of interim or interlocutory orders in an adjudication.

(1) Except where otherwise provided, the commission may review such orders when it finds that:

(a) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; or

(b) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

(c) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

(2) Any aggrieved party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed with the commission and served on other parties within ten days after entry of the order, stating clearly why the order is in error and citing reasons in support of the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 93-24-101 (Order R-399, Docket No. A-930792), § 480-09-760, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-760, filed 10/12/89, effective 11/12/89.]

WAC 480-09-770 Briefs. The commission may require the parties to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions which the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies shall be clearly legible. Briefs

may not exceed sixty pages without prior authorization from the commission. Unless a different number is specified by the commission, an original and three legible copies of each brief in transportation matters and nineteen copies in all other matters including transportation rate cases shall be filed with the secretary of the commission and one copy shall be served on each party before the due date set for filing. Proof of service shall be furnished to the commission as provided in WAC 480-09-120(2).

[Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-770, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-770, filed 10/12/89, effective 11/12/89.]

WAC 480-09-780 Entry of initial and final orders—Administrative review. (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party may within twenty days after entry of the initial order file a petition for administrative review.

(b) Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters other than transportation rate cases and nineteen copies in all other matters including transportation rate cases must be filed with the secretary of the commission and one copy served upon each other party. Proof of service must be made in accordance with WAC 480-09-120(2).

(3) Petitions for administrative review - length - contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, the original plus the number of copies required in subsection (2)(b) of this section, must be filed with the secretary of the commission, and a copy served upon each other party to the pro-

ceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(5) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

[Statutory Authority: RCW 80.01.040, 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-780, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-780, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-780, filed 10/12/89, effective 11/12/89.]

WAC 480-09-810 Reconsideration. (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies - filing - service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters other than transportation rate cases, and nineteen copies in all other matters including transportation rate cases, shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: *Provided*, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem

appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-810, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-810, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-810, filed 10/12/89, effective 11/12/89.]

Chapter 480-12 WAC

MOTOR CARRIERS

WAC

480-12-010	Rule book must be in main office—Rule book fee— Updates—Notification of pending and adopted rule changes—Compliance with rules.
480-12-022	Procedures for contest of fees.
480-12-030	Applications.
480-12-033	Temporary permits.
480-12-083	Adoption by reference defined.
480-12-126	Interstate operations; requirements; definitions.
480-12-127	Registered carriers.
480-12-130	Interstate exempt carriers.
480-12-131	Interstate trip permits.
480-12-135	Permits and receipts—Return required—Loss improper use of cards or stamps.
480-12-150	Equipment—Identification.
480-12-181	Pole trailers.
480-12-250	Accounts—Uniform system adopted—Reports.
480-12-285	Tariffs, distribution and fees.
480-12-350	Insurance.
480-12-600	Regulatory fee.

WAC 480-12-010 Rule book must be in main office—Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) All carriers operating under these rules must keep a copy of the rule book entitled "*Laws and Rules Relating to Motor Carriers*" on file in their main office at all times, and must maintain that rule book by inserting in it all revised pages issued by the commission.

(2) The commission shall by order establish a fee for the motor carrier rule book. The fee shall be set according to the estimated cost of compiling, printing, and distributing the rule book.

(a) The commission will give applicants for temporary or permanent permit authority who do not hold motor carrier authority issued by the commission one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission will charge its established rule book fee to other persons and for replacement or additional copies.

(3) Rule books may be purchased at any commission office. All fees must be prepaid.

(4) The commission will send one annual update, containing rules becoming effective during the prior year, to each common and contract carrier without charge. The commission shall establish and collect a fee for updates for other persons or additional copies.

(5) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year. The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers. The commission will also

provide that notification to every person who requests to be on its rule notification list for the topics desired. Proposed and adopted rules are also published in the *Washington State Register*, available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia. The commission welcomes comments on proposed rules.

[Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-010, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-010, filed 9/17/87; Order R-5, § 480-12-010, filed 6/6/69, effective 10/9/69.]

WAC 480-12-022 Procedures for contest of fees.

Any fee imposed by the authority of chapter 81.80 RCW shall be contested under RCW 81.80.115 by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-022, filed 11/3/93, effective 12/4/93.]

WAC 480-12-030 Applications. (1) Intrastate authority. Applications to acquire temporary or permanent common or contract motor carrier authority by transfer, by acquisition of control, or by demonstration of need and/or public interest shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. No application will be accepted for filing unless it is accompanied by the required fee. The fee for applications seeking original or extended permanent authority, or the transfer or acquisition of existing authority, shall be five hundred fifty dollars; it shall be two hundred fifty dollars for applications for temporary authority, two hundred fifty dollars for applications for reinstatement of permits under WAC 480-12-065 if filed within thirty days after cancellation, fifty dollars for applications for emergency temporary authority, and thirty-five dollars for applications for change of corporate name. The commission may refuse to accept applications until all required information is supplied and until the authority sought to be acquired or retained has been expressed in clear and acceptable permit terminology. The commission's acceptance of an application for filing does not indicate the commission's approval of proposed permit language or requested effect of the application, nor is the commission thereafter foreclosed from finding that the information presented in the application is insufficient. An applicant for partial transfer must also submit a proposed revision of the retained portion of the permit complying with

WAC 480-12-050(5), which will be docketed with the transfer application.

(2) Interstate authority. Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-12-126 through 480-12-135. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

[Statutory Authority: RCW 80.01.040, 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-030, filed 11/3/93, effective 12/4/93; 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) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(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, 93-24-103 (Order R-400, Docket No. A-930517), § 480-12-033, filed 12/1/93, effective 1/1/94; 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" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on February 15, 1993.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on May 1, 1993.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 80.01.040, 93-15-035 (Order R-392, Docket No. T-921165), § 480-12-083, filed 7/13/93, effective 8/13/93; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-083, filed 12/18/91, effective 1/18/92.]

WAC 480-12-126 Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(1) Registered carriers. Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) Registered exempt carriers. Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission are "registered exempt carriers."

(3) Compliance required. Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules

applicable to the activity and to equipment in which it is conducted.

(4) Trip permits. A carrier operating in interstate commerce on the public roads of this state but who has not registered the vehicle's insurance with Washington through its base state, if required to do so, or with the commission, if operating under interstate exemption, must secure a trip permit for each interstate trip as provided in WAC 480-12-131.

[Statutory Authority: RCW 80.01.040, 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-126, filed 11/3/93, effective 1/1/94; Order R-50, § 480-12-126, filed 8/8/73; Order R-34, § 480-12-126, filed 12/8/71.]

WAC 480-12-127 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) Washington-based carriers. Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-12-

130 or unless it is operated under a trip permit as provided in WAC 480-12-131.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-127, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-127, filed 9/17/87; Order R-34, § 480-12-127, filed 12/8/71.]

WAC 480-12-130 Interstate exempt carriers. (1)

No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-12-131.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies additional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-130, filed 11/3/93, effective 1/1/94. 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 480-12-131 Interstate trip permits. Single trip transit permit. A carrier conducting casual or occasional interstate or foreign commerce on the public roads of Washington state may as an alternative to other interstate carrier registration requirements obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, within, out of or across the state.

(1) Application. The carrier must present evidence that the carrier has insurance that meets the requirements of WAC 480-12-350 and provide the name and policy number or binder of the insurance company. The carrier shall also provide a description of the vehicle, its license number, the

state in which the vehicle is licensed, the name of its owner, the cargo, and the origin and destination of the shipment. The permit will be issued upon payment of a fee of twenty dollars.

(2) The permit must be carried in the cab of the power vehicle. The permit shall be subject to inspection at all times by the law enforcement agents and the commission's representatives. A vehicle operating under a trip permit shall be under the control and direction of the motor carrier purchasing the permit and shall be used only within the scope of the carrier's authority and within the terms of the trip permit.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-131, filed 11/3/93, effective 1/1/94.]

WAC 480-12-135 Permits and receipts—Return required—Loss improper use of cards or stamps. (1)

When the commission revokes a permit or a receipt that it has issued, when a carrier stops or abandons service under a permit or receipt, or when a carrier's vehicle equipment is sold, abandoned, or repossessed, the holder of the permit or receipt shall immediately return to the commission each original permit or receipt.

(2) A carrier shall report to the commission immediately the physical loss or destruction of a permit or receipt that the commission issued. The commission will replace a physically lost or destroyed current permit or registration receipt that it has issued, upon receiving a written application for replacement.

(3) The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-135, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-135, filed 9/17/87; Order R-5, § 480-12-135, filed 6/6/69, effective 10/9/69.]

WAC 480-12-150 Equipment—Identification. (1)

All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

(2) Common carriers, contract carriers, private carriers, or leased carriers adding, modifying, or renewing identification markings after the effective date of this rule must display on the driver and passenger doors of power units identification markings as specified below. The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger doors of the power unit.

(a) Motor vehicles operated by or under lease to a common or contract carrier must display the name of the permittee as registered with the commission and the permit number. *Provided however*, common or contract carriers holding both intrastate and interstate authority may display

either the ICC certificate number, commission permit number, or both.

(b) Motor vehicles operated by or under lease to a private carrier must display the name and address of either the business operating the vehicle or the registered owner.

[Statutory Authority: RCW 80.01.040. 93-15-038 (Order R-393, Docket No. TV-920973), § 480-12-150, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-150, filed 9/17/87; Order R-45, § 480-12-150, filed 4/18/73; Order R-40, § 480-12-150, filed 12/6/72; Order R-5, § 480-12-150, filed 6/6/69, effective 10/9/69.]

WAC 480-12-181 Pole trailers. (1) Welded reach extension prohibited. No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(2) Damaged reach. No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(3) Empty pole trailers. Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-trailer frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

[Statutory Authority: RCW 80.01.040. 93-05-038 (Order R-383), § 480-12-181, filed 2/16/93, effective 3/19/93; 90-17-048 (Order R-327, Docket No. TV-900576), § 480-12-181, filed 8/10/90, effective 9/10/90.]

WAC 480-12-250 Accounts—Uniform system adopted—Reports. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers operating under chapter 81.80 RCW. A "uniform system of accounts for Class III carriers in Washington state" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington. The Uniform System of Accounts and the Uniform System of Accounts for Class III carriers in Washington state are available for public inspection at the Washington utilities and transportation branch of the Washington state library, located with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to payment of any required fee.

(2) Classification of carriers:

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

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

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

Class III - Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property and all contract carriers.

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

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

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

(4) For purposes of preparing and filing annual reports, each common and each contract carrier shall secure from the commission the proper forms and file with the commission its annual report as soon after the close of the calendar year as possible, but in no event later than May 1st of the succeeding year.

(5) Motor carriers operating exclusively in interstate or foreign commerce shall not be required to file annual reports.

(6) Annual reports filed by carriers holding solid waste collection certificates in addition to a common and/or contract carrier permit must comply with reporting requirements provided in WAC 480-70-230.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-250, filed 11/3/93, effective 12/4/93; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-12-250, filed 12/15/89, effective 1/15/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-250, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 81-06-060 (Order R-159, Cause No. TV-1431), § 480-12-250, filed 3/4/81; 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.]

WAC 480-12-285 Tariffs, distribution and fees. (1) The commission shall, by order, establish fees for purchase of original tariff copies, for annual maintenance of tariffs, and for replacement pages. For the purpose of this rule "maintenance" shall mean the compilation, printing, and distribution of amended tariff pages.

(2) The commission shall print a list of the tariffs it publishes, with a description of the motor carrier operations to which each tariff applies, the cost per copy of the tariff, the cost for replacement pages, the fee for annual maintenance, and applicable retail sales tax. Copies of the price list shall be available, upon request, from any commission office.

(3) During the calendar year in which the tariff is purchased, the annual maintenance fee shall be payable in advance on the following basis:

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

(4) The annual maintenance fee shall be payable on or before December 31 of the preceding year.

(5) Upon written request, refunds of tariff maintenance fees will be made to those carriers whose permits are canceled, or to nonpermitted subscribers who cancel a tariff subscription during a calendar year for which tariff maintenance fees have been prepaid. Refunds will be based on a prorated formula of one-twelfth of the amount of fee prepaid times the number of whole months remaining in the calendar year after the date on which the request is filed with the commission.

(6) Copies of current or expired single tariff pages will be supplied upon receipt of the established fees. Copies of entire expired tariffs or entire tariffs applicable on a specific date in the past are not generally available.

(7) Tariff copy, individual page and maintenance fees are subject to change by commission order. All tariffs shall be priced according to the cost of compilation, distribution, and maintenance and all fees shall be payable in advance unless otherwise ordered by the commission.

[Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-285, filed 7/13/93, effective 8/13/93. Statutory Authority: RCW 80.01.040 and 81.80.290. 89-04-045 (Order R-294, Cause No. TV-2223), § 480-12-285, filed 1/31/89. Statutory Authority: RCW 80.01.040. 87-23-029 (Order R-280, Cause No. TV-2113), § 480-12-285, filed 11/12/87. Statutory Authority: RCW 80.01.040 and 81.80.290. 86-03-040 (Order R-249, Cause No. TV-1924), § 480-12-285, filed 1/13/86. Statutory Authority: RCW 80.01.040. 81-23-018 (Order R-177, Cause No. TV 1545), § 480-12-285, filed 11/13/81. Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.]

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified that its application has been granted, as a condition to issuing the permit, the applicant shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount shown on the following table:

(1)	Property (nonhazardous)	\$ 750,000
(2)	Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	5,000,000
(3)	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances	1,000,000

defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.

(4)	Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	5,000,000
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Taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of the insurance coverage as required herein.

Carriers registering under WAC 480-12-127 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

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

Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

[Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-350, filed 11/3/93, effective 1/1/94; 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-350, filed 12/5/86; 85-10-032 (Order R-228, Cause No. TV-1871), § 480-12-350, filed 4/24/85; 84-19-004 (Order R-218, Cause No. TV-1804), § 480-12-350, filed 9/6/84. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.190. 83-18-072 (Order R-207, Cause No. TV-1711), § 480-12-350, filed 9/7/83. Statutory Authority: RCW 80.01.040. 82-12-063 (Order R-189, Cause No. TV 1597), § 480-12-350, filed 6/2/82; Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.]

WAC 480-12-600 Regulatory fee. (1) Every common and contract motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission its annual report, including a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is modified by commission order.

[Statutory Authority: RCW 80.01.040. 93-24-102 (Order R-401, Docket No. TV-931030), § 480-12-600, filed 12/1/93, effective 1/1/94.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

480-30-015

Adoption by reference defined.

480-30-030

Certificates—Auto transportation companies.

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" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on February 15, 1993.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on May 1, 1993.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 80.01.040, 93-15-035 (Order R-392, Docket No. T-921165), § 480-30-015, filed 7/13/93, effective 8/13/93; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-015, filed 12/31/91, effective 1/31/92.]

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

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

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

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

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

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

(a) Description of each vehicle used;

(b) Number of trips and to what points each of said vehicles was operated;

(c) Drivers' time sheets for each day's employment;

(d) Copies of all accident reports.

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

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

(9) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested and accompanied by the application fee named in subsection (11) of this section.

(10) Application for sale, lease, or transfer, or for authority to mortgage a certificate or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information requested and accompanied by the application fee named in subsection (11) of this section.

(11) Miscellaneous fees:

Application for certificate	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of a duplicate certificate	3.00

EXCEPTION: The \$150.00 fees named above are reduced to \$50.00 for applications for private, nonprofit transportation authority under WAC 480-30-035.

(12) All applications for a duplicate certificate must be accompanied by affidavit of the holder stating that the original certificate has been lost or destroyed.

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

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

[Statutory Authority: RCW 80.01.040, 93-15-037 (Order R-390, Docket No. T-921404), § 480-30-030, filed 7/13/93 effective 8/13/93; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-030, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-030, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order

R-129, Cause No. TC-1249), § 480-30-030, filed 8/9/79; Order R-78, § 480-30-030, filed 10/15/75; Order R-50, § 480-30-030, filed 8/8/73; Order R-5, § 480-30-030, filed 6/6/69, effective 10/9/69.]

Chapter 480-35 WAC LIMOUSINE CHARTER PARTY CARRIERS

WAC

480-35-030 Certificates.

WAC 480-35-030 Certificates. (1) No person may engage in the business of a limousine charter party carrier of persons over any public highway without first having obtained a certificate or registration from the commission to do so.

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

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

(4) No certificate will be issued to persons operating under a trade name, unless a certificate of the trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

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

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

(a) No certificate nor any right thereunder may be leased, assigned, or otherwise transferred or encumbered unless authorized by the commission. Requests for such authority shall be on forms to be furnished by the commission, giving all information therein requested and accompanied by a filing fee named in WAC 480-35-040.

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

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

(a) The violation of any of the provisions of chapter 283, Laws of 1989;

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

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

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

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

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

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

[Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-35-030, filed 7/13/93 effective 8/13/93. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-030, filed 11/13/89, effective 12/14/89.]

Chapter 480-40 WAC PASSENGER CHARTER CARRIERS

WAC

480-40-015

Adoption by reference defined.

480-40-030

Certificates.

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" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on February 15, 1993.

(2) "Rules and regulations adopted by the United States Department of Transportation in Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on May 1, 1993.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 80.01.040. 93-15-035 (Order R-392, Docket No. T-921165), § 480-40-015, filed 7/13/93, effective 8/13/93; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-015, filed 12/31/91, effective 1/31/92.]

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

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of chapter 19.80 RCW, and a certified copy thereof filed with the commission.

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

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

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

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

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

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

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

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

(7) Miscellaneous fees:

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-40-030, filed 7/13/93 effective 8/13/93; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-030, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-030, filed 8/26/88; Order R-61, § 480-40-030, filed 12/19/73; Order R-50, § 480-40-030, filed 8/8/73; Order R-14, § 480-40-030, filed 1/6/70; Order R-12, § 480-40-030, filed 11/28/69; Order R-5, § 480-40-030, filed 6/6/69, effective 10/9/69.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-055	Adoption by reference defined.
480-70-700	Availability of information.
480-70-710	Discontinuance of service.
480-70-720	Reinstatement of service following discontinuance.
480-70-730	Refusal of service.
480-70-740	Refusal or discontinuance of service to premises because of former occupant's unpaid account.
480-70-750	Deposits.
480-70-760	Refunds—Other than deposits.
480-70-770	Form of bills.
480-70-780	Pass through disposal fees.
480-70-790	Complaints and disputes.

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" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on February 15, 1993.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on May 1, 1993.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters offices of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

[Statutory Authority: RCW 80.01.040. 93-15-035 (Order R-392, Docket No. T-921165), § 480-70-055, filed 7/13/93, effective 8/13/93; 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-055, filed 12/31/91, effective 1/31/92.]

WAC 480-70-700 Availability of information. (1) Business location, business hours, and messaging. Each company shall maintain a business location and a telephone number where the public can contact it during regular business hours.

(a) Each company shall determine its regular business hours, which shall include at least four hours between 8:00 a.m. and 5:00 p.m. each day, during the Monday through Friday business week.

(b) Each company shall also make arrangements for messaging via voice mail, answering machine, or answering service to receive calls on business days between 8:00 a.m. and 5:00 p.m., when company personnel are unavailable.

(2) Filed tariff. Each company shall maintain in its business office, available for public inspection, a copy of the company's current approved tariff.

(3) Rights and responsibilities guide. As described below, each company shall make available to each of its customers a guide which describes the rights and responsibilities of solid waste customers, the steps which the company or the customer must take to discontinue service, applicable deposit policies and the procedures by which customers can pursue billing or service complaints and disputes. A company may, at its option, reproduce a model guide prepared by the commission which the commission has authorized for current use. A company may supplement the commission's model guide with appropriate company-specific information.

(a) Each company shall make available to each applicant for new service a copy of the guide.

(b) Each company shall offer each of its current customers, via a bill insert or line item notice on the regularly issued customer bill, a copy of the guide within six months of the effective date of this rule.

(c) Annually thereafter, each company shall offer each of its customers a copy of the guide via a bill insert or line item reminder on the regularly issued customer billing.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-700, filed 9/29/93, effective 1/1/94.]

WAC 480-70-710 Discontinuance of service. (1) By a customer. A customer may discontinue service by notifying the company to stop service. The notice shall be made to the company at least three full business days before the next scheduled pickup date.

(2) By a solid waste collection company. A solid waste collection company may discontinue service for any of the following reasons:

(a) For nonpayment of bills. As provided in WAC 480-70-770, each company bill must state when the customer's account becomes delinquent. The minimum specified time shall be twenty-one days after the bill's mailing date. Service may be discontinued after the specified time if the customer has neither paid the bill nor made acceptable payment arrangements.

(b) For failure to keep any agreed upon payment arrangement.

(c) For abandonment of the premises by the customer.

(d) For violations by the customer of rules, service agreements or current approved tariffs.

(e) For any reason for which the company could refuse to provide service under WAC 480-70-730.

(3) Except when danger to life or property or violation of law require immediate discontinuance, no company shall discontinue service unless it has met the following notice requirements:

(a) The company shall notify the customer in writing of its intent to discontinue service, stating the reasons for the discontinuance and the time after which it will discontinue service. The company shall maintain a record of the manner and date upon which notice was served.

(b) The company shall mail or personally deliver the written notice to the customer's address.

(i) If nonpayment of bill is the reason for discontinuance, the company shall not mail or deliver the notice sooner than one day after the specified payment due date.

(ii) If the company mails the notice, it shall not discontinue service before the eighth business day following mailing.

(iii) If the company personally delivers the notice, it shall not discontinue service before 5:00 p.m. of the first business day following delivery. For residential accounts, delivered notice is effective if handed to a person of apparent competence who resides at the residence. For business accounts, delivered notice is effective if handed to a person employed at the place of business who is authorized to accept deliveries. If no one is available to receive the notice, notice shall be effective if firmly attached to the primary door of the customer's residence or business office.

(iv) If the company does not discontinue service within ten business days after the first day upon which service can be discontinued, the discontinuance notice shall be void and a new notice required.

(c) In addition to serving written notice of its intent to discontinue service, before actual discontinuance is accomplished, the company shall attempt to reach the customer either in person, by telephone or by a notice or tag placed on the customer's solid waste can, container or drop box. Telephone, personal contact, or on container notice is not a substitute for written notice of pending discontinuance.

(i) By telephone. If the company elects to accomplish the additional notification by telephone, it shall attempt at least twice to notify a customer. At least one of the attempts must be made more than twenty-four hours before the discontinuance time specified in the written notice.

(ii) If a residential customer has provided the company with a business or message telephone number, the company shall attempt to notify the customer at that number if it has been unable to notify the customer at the customer's residence.

(iii) By personal contact. If the company elects to accomplish the additional notification by personal contact, it shall attempt at least once to notify a customer during the company's business hours. The attempt must be made more than twenty-four hours before the discontinuance time specified in the written notice.

(iv) The company shall maintain a log or record of the attempts made to contact the customer. The log or record must show the telephone number called, the time of the call and the call results (i.e., left a message, no answer, busy, etc.)

(d) When service is provided to an address which is different from the billing address, the company shall also provide notice to the service location before discontinuing service. The company may accomplish this notification by personal contact or by placing a notice or tag on the service location's solid waste can, container or drop box.

(e) The notice, as described in section 480-12-710 (3)(a), shall explain the reasons for pending discontinuance and the means by which the customer can reach the company to resolve any differences or avail himself or herself of rights and remedies set forth in WAC 480-70-700, 480-70-790, 480-09-150, and RCW 81.04.110.

(4) Service shall not be discontinued for nonpayment of disputed amounts while a customer is pursuing any remedy or appeal provided for by these rules, if the undisputed amounts are paid or satisfactory payment arrangements have been made. The commission or its staff may direct the company to continue or reinstate service pending resolution of other disputes.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-710, filed 9/29/93, effective 1/1/94.]

WAC 480-70-720 Reinstatement of service following discontinuance. Service shall be reinstated on the next scheduled pickup date when:

- (1) The causes of discontinuance have been removed; or
- (2) The customer pays all proper charges due or makes satisfactory payment arrangements; or
- (3) The commission or its staff directs reinstatement pending resolution of a dispute.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-720, filed 9/29/93, effective 1/1/94.]

WAC 480-70-730 Refusal of service. A solid waste collection company may refuse to provide service for any of the following reasons:

- (1) When a customer has not complied with state, county, or municipal law concerning such service.
- (2) When providing the service is hazardous, or where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate vehicles. Companies may refuse to drive into private property when, in the collector's judgment, driveways or roads are improperly constructed or maintained or without adequate turn arounds or have other unsafe conditions.

(3) When satisfactory service cannot be given or providing service would adversely affect the health or safety of its employees.

(4) When a customer has an overdue, unpaid prior obligation to the company for the same class of service at the same or a different location, and satisfactory arrangements for payment of the overdue obligation have not been made. For the purpose of this rule, class of service means residential service or commercial service.

(5) When a customer requests service at a location where there currently resides a former customer who has an overdue, unpaid obligation to the company for the same class of service at the same location, and satisfactory arrangements for payment of the overdue obligation have not been made.

(6) When a customer has 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 present or prior 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 those persons, or any similar deceptive devices.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-730, filed 9/29/93, effective 1/1/94.]

WAC 480-70-740 Refusal or discontinuance of service to premises because of former occupant's unpaid account. A company shall not refuse or discontinue service to a customer because of unpaid charges due from a former occupant of the premises, unless it has evidence of the current customer's intent to defraud.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-740, filed 9/29/93, effective 1/1/94.]

WAC 480-70-750 Deposits. The purpose of deposits shall be to guarantee payment for the final billing period, plus one month. Prepayments made to secure temporary service shall not be subject to the provisions of this rule.

(1) Establishment of credit—Residential service. Applicants for residential service may establish credit by demonstrating to the company any one of the following factors:

(a) That they were a customer of the same company for at least six months during the twelve months prior to application for service and during that period, service was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with another solid waste collection company with a satisfactory payment record as demonstrated in (a) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided.

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

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

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

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at the company's business office of credit references which may be quickly and easily checked by the company.

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

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

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

(b) In any event, a deposit may be required when, within the twelve months prior to the application, the

applicant's service of the same class has been discontinued for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for the same class of service from the company to which application is being made or from any other solid waste collection company; or where two or more delinquency notices have been served upon the applicant by any other solid waste collection company during the twelve months previous to the application for service. For the purpose of this rule, class of service means residential service or commercial service.

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

(4) Amount of deposit. In instances where a deposit may be required by the company, the deposit shall not exceed two-twelfths of estimated annual billings for companies billing monthly, three-twelfths of estimated annual billings for companies billing each two months, and four-twelfths of estimated billings for companies who bill quarterly.

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

(6) Interest on deposits. Interest on deposits held shall accrue at a rate equal to a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The interest rate shall be computed by the commission and notification of applicable interest rate shall be sent to certificated carriers by January 10 of each year. Deposits shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. When a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay fifty percent of the deposit amount prior to service, with the remaining amount payable in equal amounts during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, Alternative to deposit.

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

(9) A receipt shall be furnished to each applicant or customer for the amount deposited.

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

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

(i) The company has not initiated discontinuance proceedings against the customer.

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

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

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

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

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-750, filed 9/29/93, effective 1/1/94.]

WAC 480-70-760 Refunds—Other than deposits.

(1) Overcharges. Each company shall refund to a customer any overcharge made within three years of the discovery of the overcharge.

(2) Prepayments. If service is discontinued, other than for nonpayment of bills, during a period for which the customer has prepaid, the company shall refund to the customer a prorated portion of any prepayment of any unearned amount for which service has not been provided.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-760, filed 9/29/93, effective 1/1/94.]

WAC 480-70-770 Form of bills. (1) Companies shall bill customers at intervals not to exceed three months. Companies that issue quarterly bills shall bill no more than two months in advance.

(2) Each bill shall clearly show the following:

(a) When the account becomes delinquent.

(b) The company's name or duly registered business name, address and a telephone number where the consumer can call to receive information and resolve disputes.

(c) The amount or the percentage rate at which service, company or other similar taxes or fees are computed if such taxes or fees are imposed on solid waste collection service by governmental jurisdictions and passed to customers which the company collects on behalf of governmental jurisdictions from its customers for subscribed service.

(d) The basis for each charge assessed. Each accessorial rate or charge separately provided for in the company's tariff and billed to the customer shall be shown as a separate line item on the bill.

- (e) The total amount due by the customer.
- (f) The percentage amount of any penalty fees which will be assessed to the customer for late payment.
- (g) Other information as may be directed by commission order.

(3) The solid waste collection company shall provide an itemized statement of all charges to any customer requesting it, within ten business days of the request. An itemized statement includes as separate line items, the total dollar amount for collection service, and each element of the total charge, including but not limited to: Mileage charges, taxes, credits, and miscellaneous or special services.

[Statutory Authority: RCW 80.01.040. 93-20-039 and 93-22-067 (Order R-397, Docket No. TG-921221), § 480-70-770, filed 9/29/93 and 10/29/93, effective 1/1/94.]

WAC 480-70-780 Pass through disposal fees. Disposal fees charged to drop box users customers shall not exceed the actual cost to the company. Solid waste collection companies shall assess the customer the disposal fees contained in their lawfully filed tariffs applicable to the dump site actually used for disposal, and not that of any other site. Each solid waste collection company shall amend its tariff(s) as necessary to track fees imposed at the dump site or sites used.

[Statutory Authority: RCW 80.01.040. 93-20-039 and 93-22-067 (Order R-397, Docket No. TG-921221), § 480-70-780, filed 9/29/93 and 10/29/93, effective 1/1/94.]

WAC 480-70-790 Complaints and disputes. Any complaint or dispute involving a company and a customer shall be treated as follows:

(1) Within five business days of receiving a complaint, the company shall initiate an investigation into each complaint or dispute received and report to the customer the investigation results. When the investigation shows a need for company corrective action, the company shall take such action as soon as possible.

(2) If unable to resolve a complaint or dispute, company personnel engaged in initial contact with a dissatisfied or complaining customer shall inform the customer that he or she has the right to have the problem considered and acted upon by company supervisory personnel. Company personnel shall provide the customer the name, department and telephone number of supervisory personnel.

(3) Supervisory personnel shall inform the customer that if dissatisfied with the decision or explanation provided, the customer has the right to have the problem considered by the commission. Supervisory personnel shall provide the customer the commission's toll free telephone number and address.

(4) Any party to a dispute between a customer and the company shall have the right to bring before the commission an informal complaint pursuant to WAC 480-09-040 and/or a formal complaint pursuant to WAC 480-09-050.

(5) When the commission or its staff refers a complaint to a solid waste collection company, the company shall, within two business days, investigate the complaint and report to the commission the results of its investigation. The commission or its staff may, for good cause, grant an extension of the time allowed for investigation. The compa-

ny shall continue to keep the commission informed of its efforts to resolve the complaint and the final resolution of the complaint.

(6) Each company shall keep a record of all service and rate complaints received concerning the company's service or rates. The record shall show at least: The name, address and telephone number of the complainant; the nature and date of the complaint; the action taken; and, the final disposition. Correspondence and records regarding complaints shall be retained for at least three years.

(7) The commission or its staff may direct the company to initiate, continue or reinstate service pending resolution of a complaint.

[Statutory Authority: RCW 80.01.040. 93-20-039 (Order R-397, Docket No. TG-921221), § 480-70-790, filed 9/29/93, effective 1/1/94.]

Chapter 480-80 WAC UTILITIES GENERAL—TARIFFS

WAC

480-80-240	Less than statutory notice.
480-80-390	Mandatory cost changes for telecommunications companies.

WAC 480-80-240 Less than statutory notice. (1) On every tariff that is to become effective on less than thirty days' statutory notice L.S.N. by permission or by regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

- (a) By authority of W.U.T.C. L.S.N. Order No. . . .
- (b) By authority of order of the Washington utilities and transportation commission, Cause No.U-. . .

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is filed clearly and prominently specifies that the tariff is submitted to become effective in less than thirty days.

(2) Tariffs providing (a) rates for service, etc. not previously rendered and covered by the utility's tariff, (b) revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs on less than statutory notice will be granted by the commission only when it deems that circumstances or conditions fully justify the lack of notice. A complete explanation with reasons for the request is required with the tariff revision. The revision shall bear an effective date not less than thirty days after the revision is filed with the commission. All notices relating to the revision shall contain, in addition to the minimum requirements set forth above, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of an L.S.N. Order, which date is (date sought). If the commission grants the request, it will alter the inserted effective date to conform with the authorized effective date. The utility shall then alter the effective date on the tariff revision which is on file at its

listed business offices in the territory affected thereby and on all posted notices relative thereto, to show the effective date that the commission has approved. The alterations shall cite the applicable L.S.N. Order. The altered posted notice shall remain posted until the date originally inserted as the revision's effective date.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-80-240, filed 12/1/93, effective 1/1/94; 86-14-113 (Order R-263, Cause No. U-86-42), § 480-80-240, filed 7/2/86; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-240, filed 9/19/85; Order R-5, § 480-80-240, filed 6/6/69, effective 10/9/69.]

WAC 480-80-390 Mandatory cost changes for telecommunications companies. (1) This section establishes streamlined procedures to be applied to rate filings by local exchange telecommunication companies which seek to reflect in rate increases jurisdictional separations changes and mandatory accounting and tax changes imposed by a governmental authority which are accepted for intrastate ratemaking purposes by the commission.

(2) In order to qualify for jurisdictional separations or mandatory accounting and tax change treatment, a filing seeking to increase rates shall meet the following requirements at a minimum:

(a) It shall be accompanied by a recital that the company has or will within forty-five days of the filing complete distribution in the manner specified in WAC 480-80-125 of a notice to customers containing information as to the rate increase consistent with that required in that portion of the rule denominated "summary of requested rate increases," and further containing the name and mailing address of the commission and public counsel, and advising the customers that they may contact the same with respect to the proposed rate change. Proof of compliance with the foregoing shall be on file with the commission at least thirty days before any rates sought under this procedure shall be made effective.

(b) The filing shall be accompanied by supporting documentation demonstrating the calculation of the proposed increase and the authority for the change.

(c)(i) A company seeking this treatment for a proposed increase shall submit a rate of return statement, on a commission basis, which demonstrates that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase shall be reduced accordingly. All supporting documentation used to develop the rate of return statement shall be provided with the filing. For the purposes of this rule, "reasonable level of earnings" is the company's authorized overall rate of return or the rate of return developed pursuant to (e) of this subsection, whichever is more current. Companies with revenues exceeding five hundred million dollars annually may use their authorized rate of return if established within the prior two years. If no return has been established within two years, such companies may not be accorded the procedures designated by this rule, unless in the judgment of the commission, such authorized return is not unreasonable for purposes of a filing under this rule. If a company cannot depict Washington intrastate results of operations with reasonable accuracy, the total Washington realized return may be used for this test.

(ii) The rate of return statement shall not be a fully pro formed results of operations statement, but must depict the results of operations on a commission basis. For purposes of this rule, "commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis and also includes an appropriate pro forma debt adjustment. These restating adjustments should be made to account for jurisdictional differences where they depart from FCC Part 32. Accounting rules set forth in WAC 480-120-031 may be used as a guide to satisfy most adjustments required to restate per books results of operations. Nonoperating, nonrecurring, or extraordinary items, and unregulated operating items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. For purposes of this rule, "commission basis" does not include new theories or approaches which have not been previously addressed to and resolved by the commission.

(d) The supporting documentation specified in (b) and (c) of this subsection shall be submitted at the time of the tariff filing or the first notice to customers, whichever occurs first.

(e) The qualifying overall rate of return will be either not greater than 9.73 percent or based upon a 10.45 percent return on equity. The 9.73 percent overall rate of return will be adjusted according to the following table:

90% DEBT COMPANIES USE	40.00% OF TARGET RATE OF RETURN
80% DEBT COMPANIES USE	48.00% OF TARGET RATE OF RETURN
70% DEBT COMPANIES USE	57.60% OF TARGET RATE OF RETURN
60% DEBT COMPANIES USE	69.12% OF TARGET RATE OF RETURN

Using the 10.45 percent return on equity, the overall fair rate of return will be determined on an individual company basis giving consideration to the company's cost of debt and preferred equity, each adjusted for any known and measurable effects, and utilizing an appropriate capital structure.

For the purposes of this rule only, "appropriate capital structure" shall be defined as a minimum of forty percent equity and a maximum of sixty percent equity. Capital structures outside these parameters will be adjusted to the minimum or maximum, whichever is closer.

The rates shall be reviewed during the third quarter of each calendar year, and such action taken as may be necessary and appropriate to reflect the current capital market conditions: *Provided*, That nothing herein shall foreclose more frequent review and adjustment of the overall rate of return or return on equity as circumstances may indicate. Nothing in this rule shall foreclose a utility from seeking a different return on equity, nor shall the returns or the methodologies stated in this section be considered as precedent for any other commission proceedings.

(3) Except for costs identified with a particular customer class, any revenue requirement change sought to be reflected by this treatment shall be spread on a uniform revenue percentage basis by customer class, defined as residential, business, and interexchange, whether or not classified as competitive.

Costs identified with interexchange services shall be spread to access charges using approved commission

methodology. Costs identified with any other specific class or service shall be spread to that class or service on a uniform percentage basis. In exceptional circumstances, a company may propose an alternative rate design or rate spread.

(4) If the commission has reason to believe that the quality of the company's service is not consistent with its public service obligations, or if the commission has reason to believe that the company's results of operations, proposed rate design or proposed rate spread, or proposed alternative rate design or rate spread require a more extensive review, the commission may decline to apply the procedures contemplated by this rule.

(5) If jurisdictional separations or mandatory accounting and tax change treatment is found to be appropriate, the commission will ordinarily take final action within ninety days of the date of filing.

(6) Nothing in this section shall be construed to prevent any company, the commission, or any customer from utilizing any other procedures which are otherwise permitted by law.

[Statutory Authority: RCW 80.01.040. 94-01-146 (Order R-406, Docket No. UT-931027), § 480-80-390, filed 12/21/93, effective 1/21/94; 93-09-050 (Order R-385, Docket No. UT-920960), § 480-80-390, filed 4/19/93, effective 5/20/93; 89-19-038 (Order R-307, Docket No. U-89-2876-R), § 480-80-390, filed 9/15/89, effective 10/16/89.]

Chapter 480-93 WAC GAS COMPANIES—SAFETY

WAC

480-93-010 Compliance with federal standards.

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 192 and 199 in effect on (the date this rule is adopted), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 80.01.040. 93-18-097 (Order R-396, Docket No. UG-930243), § 480-93-010, filed 9/1/93, effective 10/2/93; 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-010, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-010, filed 7/15/71; Order R-5, § 480-93-010, filed 6/6/69, effective 10/9/69.]

Chapter 480-110 WAC WATER COMPANIES

WAC

480-110-023 Average customer revenue jurisdictional threshold.
480-110-051 Deposits.
480-110-176 Filing of records and reports and the preservation of records.

WAC 480-110-023 Average customer revenue jurisdictional threshold. (1) Pursuant to RCW 80.04.010, the commission may increase annually the jurisdictional revenue threshold pertaining to water companies by reflecting the rate of inflation as determined by the implicit price deflator of the United States Department of Commerce.

(2) Calculated as specified in subsection (1) of this section, the average customer revenue jurisdictional threshold for water companies beginning on the effective date of this section is three hundred seventy-nine dollars.

[Statutory Authority: RCW 80.01.040. 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-023, filed 5/27/93, effective 6/27/93.]

WAC 480-110-051 Deposits. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Interest on deposits. Interest on deposits held shall be accrued at the rate calculated as a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits shall earn that calculated interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

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

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

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

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

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

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

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

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount

then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

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

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

[Statutory Authority: RCW 80.01.040. 94-01-095 (Order R-404, Docket No. UW-930955), § 480-110-051, filed 12/14/93, effective 1/14/94; Order R-85, § 480-110-051, filed 6/30/76; Order R-30, § 480-110-051, filed 7/15/71. Formerly WAC 480-110-150.]

WAC 480-110-176 Filing of records and reports and the preservation of records. (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the commission, for such time as is specifically provided in paragraph (2) of this section, or where no time is specified, for a period of three years.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities, Revised 1984* published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the requirement for the preservation of records of water companies in the state of Washington. The document is available for public inspection at the commission branch of the Washington state library, housed with the commission's headquarters office. The commission secretary will provide a copy of the document on request, subject to any pertinent charge.

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

[Statutory Authority: RCW 80.01.040. 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-176, filed 5/27/93, effective 6/27/93; Order R-64, § 480-110-176, filed 2/13/74; Order R-30, § 480-110-176, filed 7/15/71. Formerly WAC 480-110-110.]

Chapter 480-120 WAC TELEPHONE COMPANIES

WAC

480-120-021
480-120-031
480-120-051

Glossary.
Accounting.
Availability of service—Application for and installation of service.

480-120-086
480-120-350

Repealed.
Reverse search by E-911 PSAP of ALI/DMS data base—When permitted.

480-120-500

Telecommunications service quality—General requirements.

480-120-505	Operator services.
480-120-510	Business offices.
480-120-515	Network performance standards applicable to local exchange companies.
480-120-520	Major outages and service interruptions.
480-120-525	Network maintenance.
480-120-530	Emergency services.
480-120-535	Service quality performance reports.

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

480-120-086	Adequacy of service. [Order R-91, § 480-120-086, filed 2/9/77; Order R-25, § 480-120-086, filed 5/5/71. Formerly WAC 480-120-200, 480-120-230, 480-120-240, 480-120-250, 480-120-260, 480-120-290 and 480-120-300.] Repealed by 93-06-055 (Order R-384), Docket No. UT-921192, filed 2/26/93, effective 3/29/93. Statutory Authority: RCW 80.01.040.
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WAC 480-120-021 Glossary. Access line - a circuit between a subscriber's point of demarcation and a serving switching center.

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: Automatic completion with billing to the telephone from which the call originated; or completion through an access code used 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.

Automatic location identification/data management system (ALI/DMS) - ALI/DMS is a feature that forwards to the public safety answering point (PSAP) a caller's telephone number, the name and service address associated with the telephone number, and supplementary information as defined in the DMS for automatic display at the PSAP. The DMS is a combination of manual procedures and computer programs used to create, store, manipulate, and update data required to provide selective routing, ALI, emergency service numbers, and other information associated with the calling party's telephone number.

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.

Centrex - a telecommunications service providing a subscriber with direct inward dialing to telephone extensions and direct outward dialing from them.

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.

Customer premises equipment (CPE) - telecommunications terminal equipment, including inside wire, located at a subscriber's premises on the subscriber's side of the standard network interface/point of demarcation (excluding pay telephones provided by the serving local exchange company).

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.

Foreign exchange service - a communications exchange service that uses a private line to connect a subscriber's local central office with a distant central office in a community outside the subscriber's local calling area.

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

Interoffice facilities - facilities connecting two or more telephone switching centers.

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.

Private branch exchange (PBX) - customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

Private line - a dedicated, nonswitched telecommunications channel provided between two or more points.

Public safety answering point (PSAP) - An answering location for enhanced 911 (E-911) calls originating in a given area. PSAPs are designated as a primary or secondary. Primary PSAPs receive E-911 calls directly from the public; secondary PSAPs receive E-911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

Reverse search of ALI/DMS data base - A query of the automatic location identification (ALI/DMS) data base initiated at the public safety answering point (PSAP) to obtain electronically the ALI data associated with a known telephone number for purposes of handling an emergency call when the searched telephone line is not connected to the PSAP.

Special circuit - an access line specially conditioned to give it characteristics suitable for handling special or unique services.

Standard network interface (SNI) - the point of interconnection between telecommunications company communications facilities and terminal equipment, protective apparatus, or wiring at a subscriber's premises. The network interface or demarcation point is located on the subscriber's side of the telecommunications company's protector, or the equivalent thereof in cases where a protector is not employed.

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.

Trunk - A single or multichannel telecommunications medium between two or more switching entities which may include a PBX.

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. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-021, filed 2/26/93, effective 3/29/93. 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.]

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 October 1, 1991, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington. A company wishing to use accounting methods not authorized in this rule for book and recording purposes must petition for, and receive, commission approval before implementing the change. This includes the adoption of any changes to the USOA made by the FCC after October 1, 1991, and includes the use of Generally Accepted Accounting Principles (GAAP) that are not adopted in the October 1, 1991, version of the USOA. The commission will ordinarily consider implementation of GAAP procedures on a case-by-case basis. The accounting rules for book and recording purposes do not dictate intrastate ratemaking. Copies of Part 32 (effective October 1, 1991) are available for examination at the WUTC library.

(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 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.

(c) 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; intercompany settlements; and other access revenues.

(d) 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.

(e) 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.

(f) 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 (g) and (k) of this subsection for further exceptions to this rule.

(g) 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 (f) of this subsection is required. In such a case, a normalized tax accounting treatment will be required.

(h) 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.

(i) 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.

(j) 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.

(k) 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 (f)

of this subsection 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 subsections (7) and (9) of this section).

(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 file periodic results of operations statements semiannually. Each semiannual statement shall show six months and twelve months ended data. 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, 93-07-089 (Order R-386, Docket No. UT-921167), § 480-120-031, 3/22/93, effective 4/22/93; 91-19-090 (Order R-349, Docket No. UT-910385), § 480-120-031, filed 9/17/91, effective 10/18/91; 91-69-039 (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 480-120-051 Availability of service—Application for and installation of service. Application for service may be made orally or in writing. However, a utility may require anyone desiring service to make application in writing on forms prescribed by the utility and in accordance with its filed tariff(s). An application for service shall clearly state the character of service for which application is being made. Application for service shall be deemed to be an expression of the applicant's willingness to conform to such effective tariff rules and regulations as are on file with the commission.

Upon receipt of an application for service, a utility shall endeavor to provide a specific date upon which service will be provided. If prior to any agreed upon date it becomes apparent that service cannot be supplied as agreed, the utility shall promptly notify the applicant prior to the agreed upon date that there will be a delay in completing the application and the reason(s) therefor.

If requested by the applicant or subscriber, each local exchange company shall make appointments for the on-premises installation of new service orders. These appointments shall specify the approximate time of day of the on-premises installation.

Each utility shall maintain a record in writing of each application for service, including requests for a change of one grade of service to another, until such applications are acted upon and any commitment for service met. In situations where the utility is unable to make a commitment to provide the service applied for by a given date, the utility shall periodically examine its files to advise applicants of the status of their applications. Applicants for primary station service for which no commitment date has been provided shall be advised of the status of their applications at least once each three months. Applicants for other types of service, or a change of one grade of service to another, for which no commitment date has been provided shall be advised of the status of their applications at least once each six months.

Each local exchange company shall complete applications for installation of primary exchange access lines as follows:

(1) As measured on a calendar monthly basis, ninety percent of a local exchange company's applications for installation of up to five residence or business primary exchange access lines in any exchange shall be completed within five business days after the date of receipt of the applications when all tariff requirements have been met by the applicant or subscriber. In those instances where a later installation date is requested by the applicant or subscriber or where special equipment or service is involved, this time period does not apply.

(2) Ninety-nine percent of all applications for installation of primary exchange access lines in any exchange shall be completed within ninety days after the date of receipt of the applications when all tariff requirements have been met by the applicant or subscriber.

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-051, filed 2/26/93, effective 3/29/93; Order R-

93, § 480-120-051, filed 2/9/77; Order R-25, § 480-120-051, filed 5/5/71. Formerly WAC 480-120-090.]

WAC 480-120-086 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base—When permitted. (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the representative of the public safety answering point, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) A record shall be created by the telecommunications local exchange company (LEC) or in the data base that is searched, at the time of the reverse search, showing the date and time, the number searched, the PSAP and, if feasible, the PSAP agent position from which the reverse search is initiated. The records shall be retained for at least three years following the search. The record shall be independent of the PSAP and accessible to the LEC. Records may be created in a PSAP data base and retrieved no less frequently than once each normal workday by the LEC if the collection and storage of the data are reasonably secure from alteration or deletion.

(3) No reverse search may be made unless the public safety answering point makes a record of the search and the circumstances requiring the search. The PSAP shall retain its records of each reverse search for at least three years following the search.

(4) The PSAP and the LEC shall each disclose, upon inquiry by a customer, whether the customer's line information in the ALI/DMS has been searched within the three years prior to the inquiry. If the line has been searched, the PSAP and the LEC shall disclose to the customer the information about the search in its respective possession.

(5) Reverse search shall not be used for criminal or legal investigations or other nonemergency purposes.

[Statutory Authority: RCW 80.01.040. 93-11-026 (Order R-387, Docket No. UT-930036), § 480-120-350, filed 5/7/93, effective 6/7/93.]

WAC 480-120-500 Telecommunications service quality—General requirements. (1) The facilities of telecommunications companies shall be designed, constructed, maintained, and operated to ensure reasonable continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

(2) Telecommunications companies shall employ prudent management and engineering practices, including reasonable procedures for forecasting demand for service, to ensure that sufficient facilities and an adequate operating force are available to meet reasonable demands under normal operations.

(3) These rules are not intended to establish a standard of care owed by a telecommunications company to any consumer(s) or subscriber(s).

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-500, filed 2/26/93, effective 3/29/93.]

WAC 480-120-505 Operator services. (1) Except as authorized by law, every telecommunications company providing operator services shall protect the confidentiality of all communications carried, processed, or transmitted by it.

(2) Each local exchange company shall also be required to:

(a) Develop procedures to be followed by its employees for providing operator assistance to consumers and subscribers;

(b) Ensure that when automated operator services are provided, consumers and subscribers can also readily access a live operator;

(c) Ensure that call timing for operator assisted calls is accurately recorded;

(d) Ensure that all operators receiving 0- and 911 calls are capable of connecting calls to the appropriate emergency response agency on a twenty-four-hour a day basis; and

(e) Ensure that all emergency 0- calls are routed in a manner that will allow prompt access to the proper local emergency service agency.

[Statutory Authority: RCW 80.01.040, 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-505, filed 2/26/93, effective 3/29/93.]

WAC 480-120-510 Business offices. Local exchange companies shall provide applicants, consumers, and subscribers reasonable access to company representatives for conducting business. Local exchange companies shall also make available to applicants, consumers and subscribers a location to make cash and urgent payments. An urgent payment is a payment which the company requires upon threat of disconnection of service.

(1) Each local exchange company serving over fifty thousand access lines, shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and service centers shall be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If one business office or service center serves several exchanges, toll-free calling from those exchanges to the office shall be provided.

(2) Each local exchange company serving under fifty thousand access lines, shall have at least one business office or customer service center, accessible by telephone or in person. The business office or service center shall be staffed with qualified personnel, including supervisory personnel, to provide information relating to services and rates, to accept and process applications for service, to explain charges on customers' bills, to adjust charges made in error, and generally to act as representatives of the company. If the business office or service center serves several exchanges, toll-free calling from those exchanges to the office shall be provided.

(3) Each local exchange company shall establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment agencies required by this rule shall clearly post and maintain regular business

hours. Requirements of this section shall be effective ninety days after the effective date of this rule.

The number of payment agencies shall be determined using the following criteria:

(a) Exchanges serving over seventy-five thousand access lines shall have a minimum of one payment agency for every fifty thousand access lines.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines shall have a minimum of one payment agent.

(c) Local exchange companies that do not have exchanges that meet the criteria of (a) or (b) of this subsection, shall have a minimum of one payment agency. The local business office of the company can substitute for the payment agency required by this subsection and be supported by the same personnel as the business office or customer service center.

(4) A local exchange company may request a waiver of subsection (3) of this section. As a condition for waiver, the petitioner must demonstrate applicants, consumers and subscribers have a reasonable opportunity to make cash and urgent payments.

(5) A local exchange company must provide the following information to the commission, in writing, at least thirty days prior to the closing of any business office, customer service center, or payment agency, or as soon as the local exchange company becomes aware of the closure of any business office, customer service center, or payment agency:

(a) The exchange(s) and communities affected by the closing;

(b) The date of the closing;

(c) A listing of other methods and facility locations available for payment of cash or urgent payments; and

(d) A listing of other methods and locations for obtaining business office and customer service center services.

[Statutory Authority: RCW 80.01.040, 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-510, filed 2/26/93, effective 3/29/93.]

WAC 480-120-515 Network performance standards applicable to local exchange companies. This section establishes network performance standards which shall be offered by local exchange companies.

Except where otherwise specifically provided, the standards applied to each service quality measurement shall be the minimum acceptable quality of service under normal operating conditions. The standards shall not establish a level of performance to be achieved during periods of emergency or catastrophe, nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, holidays, civil unrest, or force majeure, or disruptions of service caused by persons or entities other than the local exchange company.

(1) Central office.

(a) Dial service requirements - sufficient dial central office capacity and equipment shall be provided to meet the following minimum requirements during any normal busy hour of the average busy season:

(i) Dial tone within three seconds on at least ninety-eight percent of calls placed.

(ii) Complete dialing of called numbers on at least ninety-eight percent of telephone calls placed without encountering a busy condition within the central office or in interoffice trunks.

(b) Intercept - dial central office equipment shall be equipped to provide adequate operator or recorded announcement intercept.

Adequate intercept as used in the preceding paragraph means that the central office be so equipped and arranged to permit the interception of calls to all vacant codes and to provide average busy hour, busy season service levels of less than one percent of calls to intercept reaching busy or no circuit conditions.

(2) Interoffice facilities.

(a) Local and EAS interoffice trunk facilities shall have a minimum engineering design standard of B.01 (P.01) level of service.

(b) Intertoll and intertandem facilities shall have a minimum engineering design standard of B.005 (P.005) level of service. Service to an interexchange carrier shall be provided at the grade of service ordered and specified by the interexchange carrier.

(3) Outside plant.

Each local exchange company shall design, construct and maintain subscriber loops to minimum transmission levels from the subscriber network interface or demarcation point as set forth below:

(a) Voice grade, local exchange telecommunications service.

(i) Transmission loss (TL) from the central office to the subscriber network interface not to exceed - 8.5 dB at 1004 Hz;

(ii) A minimum line current of 20 milliamperes DC measured across an assumed station resistance of 430 ohms;

(iii) Total external loop resistance excluding customer premises equipment (CPE), shall not exceed the basic range requirement of the exchange switch (1500 ohms). Range extension equipment (1800-2800 ohms) should be applied to those subscriber loops which are longer (i.e., having more resistance) than the basic working range of the central office.

(iv) Circuit noise objective on subscriber loops measured at the subscriber network interface should be equal to or less than - 20.0 dBmC.

(b) Customer premises equipment (CPE) to switched service(s).

(i) Transmission loss (TL) from the central office to the subscriber network interface not to exceed - 8.5 dB at 1004 Hz; transmission enhancement may be provided by option.

(ii) A minimum line current of 20 milliamperes DC measured across an assumed CPE resistance of 430 ohms.

(c) Special circuits.

(i) Each local exchange company with over fifty thousand access lines shall maintain design criteria for special circuits. Channel performance criteria shall be made available to subscribers by the local exchange company upon request.

(ii) Off premises station circuits shall not exceed - 5.0 dB at 1004 Hz, from demarcation (CPE switch) to demarcation (CPE station).

(d) Digital services.

Each local exchange company shall conform to the following digital private line circuit performance standards:

(i) Error free performance for nonswitched, dedicated circuits provided over copper transmission facilities, expressed in terms of a percentage of time in seconds when the circuit is available, shall be no less than 98.75% error free seconds for DS1, 99.86% for DS1 self healing and alternate route protection services and 99.875% error free seconds for DDS.

(ii) Error free performance for nonswitched, dedicated circuits provided over fiber optic transmission facilities, expressed in terms of a percentage of time in seconds when the circuit is available, shall be no less than 99.86% error free seconds for DS1 self healing and alternate route protection services, and 99.99% for services provided at DS3 and above.

(iii) Circuit availability for nonswitched, dedicated circuits, expressed as the percentage of total calendar month minutes, shall be no less than 99.7% for services provided over copper transmission facilities and 99.9% for services provided over fiber optic transmission facilities. A digital transmission channel is considered unavailable, or in an outage condition, when its bit error rate (BER) in each second is worse than 10^{-6} for a period of ten consecutive seconds.

(iv) Upon the request of a subscriber, a local exchange company may provide to that subscriber digital services that do not meet the performance standards set forth in (d)(i) through (iii) of this subsection.

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-515, filed 2/26/93, effective 3/29/93.]

WAC 480-120-520 Major outages and service interruptions.

(1) Each local exchange company and interexchange telecommunications company shall make reasonable provisions to minimize the effects of major outages resulting from failures of power service, climate control, fire, explosion, water, storm, or force majeure. For purposes of this section, a major outage is defined as a service failure lasting for thirty or more minutes, which causes the disruption of local exchange or toll services to more than one thousand subscribers, or which causes the total loss of service to a governmental emergency response agency.

(2) Each local exchange company and interexchange telecommunications company shall inform and train pertinent employees as to procedures to be followed in the event of a major outage in order to prevent or minimize interruption or impairment of service.

(3) Each local exchange company and interexchange telecommunications company shall maintain, revise, and provide to the commission upon request, its current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington. Each local exchange company and interexchange telecommunications company shall maintain on file with the commission's disaster services coordinator the titles and telephone numbers of the local exchange and interexchange telecommunications company's disaster services coordinator and alternates. For coordination of disaster response and recovery operations, each local exchange company and interexchange telecommunications company shall maintain on file with the Washington state

emergency management division, communications office, the titles and telephone numbers of the company's local or regional network operations center or emergency operations center.

(4) Upon notification or detection of a major outage, each local exchange company and interexchange telecommunications company shall as soon as reasonably practicable notify the commission's disaster services coordinator. In addition, when a major outage is deemed as an outage that may require coordination of disaster response and recovery operations, it shall also be reported to the department of community development emergency management division. During major disaster response and recovery operations, restoration and progress of recovery work will be coordinated, monitored and maintained in the state's emergency operations center.

A company affected by a major outage shall report daily to the commission on the progress of restoration and recovery work until full network recovery has been obtained.

When service has been fully restored the company shall report to the commission within thirty days details about the cause of the interruption and the steps taken to prevent any recurrence. This requirement shall not apply to interruptions to service made by the company in accordance with the provisions of contracts between the company and its subscribers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

(5) Each local exchange company and interexchange telecommunications company shall develop and implement procedures for the dissemination of information about major outage recovery efforts to the news media, public, and public officials.

(6) Local exchange companies and interexchange telecommunications companies shall keep a record of each major outage, including a statement of the time, cause, extent, and duration of the interruption.

(7) Whenever, in connection with its work, a local exchange company or interexchange telecommunications company intends to interrupt service, those subscribers who may be affected shall be notified in advance, unless exigencies of the situation do not permit.

(8) All reported interruptions of telecommunications service shall be restored within two working days, excluding Sundays and holidays, except interruptions caused by emergency situations, unavoidable catastrophes, and force majeure.

(9) Cases of service interruptions affecting public health and safety shall receive priority restoral attention under any and all conditions, particularly in time of disaster. Every appropriate resource must be utilized. Service shall be restored within twelve hours unless conditions beyond the company's control prevent service restoration.

(10) Each local exchange company shall test and attempt to correct any service affecting intercompany and toll trunk problem (except a total outage) within four hours after the problem is reported. For the purposes of this section, service affecting problems are those that create an "all circuits busy" condition. If the problem is not corrected within this time frame, the company shall keep all other affected telecommunications utilities advised on a daily basis

as to the current status. For a total outage (total isolation between near and far end network switches), the response time shall be immediate and repairs shall be effected as soon as possible.

(11) Each local exchange company shall by June 1993, where economically and technically feasible, arrange and design incoming trunks to the primary repair service center so that traffic overflows during emergencies can be redirected or call forwarded to an alternate repair/maintenance service center location of the local exchange company.

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-520, filed 2/26/93, effective 3/29/93.]

WAC 480-120-525 Network maintenance. (1)

Except during periods of emergency operation, each local exchange company shall answer eighty percent of repair calls within thirty seconds.

(2) Each local exchange company shall adopt maintenance procedures and employee instructions aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times. Effective maintenance shall include but not be limited to, keeping all facilities in safe and serviceable repair. Examples are:

(a) Hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist, shall be immediately corrected. The accumulation of trash and other fire hazards in or upon central office premises shall not be permitted.

(b) Broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service, shall be promptly repaired or replaced.

(c) Transmission problems, including noise induction, cross-talk, or other poor transmission characteristics on any channel, shall be promptly corrected when located or identified.

(d) Central offices equipped with automatic start generators shall have three hours reserve battery capacity, and central offices without automatic start generators, shall have a minimum of five hours reserve battery capacity. For each office without permanently installed emergency power facilities, the company shall ensure access to a readily connectable mobile power unit with enough power capacity to carry the load and which can be delivered within one half of the expected battery reserve time.

(e) Trouble reports by exchange shall not exceed four trouble reports per one hundred access lines per month for two consecutive months, nor shall they exceed four trouble reports per month for four months in any one twelve-month period. This standard shall not apply to trouble reports relating to the operation of customer premises equipment, nor shall it apply to extraordinary or abnormal conditions of operation, such as those resulting from emergency or catastrophe or disruptions of service caused by persons or entities other than the local exchange company.

(f) Test apparatus should be installed and maintained at appropriate locations to determine the operating characteristics of network systems.

(g) Air pressurization policies and an air pressurization alarm monitoring program should be established where

appropriate for the continuous and safe operation of pulp underground cables.

(h) Sufficient portable power systems should be available to support up to the largest remote subscriber carrier site.

(i) If technically and economically feasible, route and circuit diversity should be established within the network, particularly where interoffice and toll network performance and integrity could be at risk.

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-525, filed 2/26/93, effective 3/29/93.]

WAC 480-120-530 Emergency services. (1) Each local exchange company that does not monitor the performance of dedicated 911 circuits (central office to tandem to public service answering point) on a continuous and automatic basis, shall perform manual operational tests at least once every twenty-four hours. Any circuits found to be defective shall be immediately reported to the primary public safety answering point (PSAP) manager and repaired.

(2) Each local exchange company shall develop and institute by April 1, 1993, a circuit identification and protection program for dedicated 911 circuits. The program shall be fully implemented by July 1994. This program shall ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified as such in every central office and remote switch.

[Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-530, filed 2/26/93, effective 3/29/93.]

WAC 480-120-535 Service quality performance reports. Beginning June 1, 1993, each local exchange company shall submit the following reports as indicated:

(1) Each local exchange company shall demonstrate upon request by the commission that the performance of its central office switch(es) meets acceptable central office performance standards.

(2) Local exchange companies with less than fifty thousand access lines shall file appropriate reports according to subsection (3)(a) through (c) of this section, when deemed necessary by the commission, and shall file the report required by subsection 3(d) of this section on a monthly basis. Performance records for such companies shall be kept in a format suitable for each local exchange company's operation and in such condition that they can be forwarded to the commission upon request or as required by this section.

(3) Local exchange companies with over fifty thousand access lines shall report monthly the information required by (a) through (d) of this subsection.

(a) Installation appointments met.

This report measures the percentage of appointments for the connection of service met on the commitment date. The actual date on which installation was completed shall be compared to the applicable commitment date to determine the percentage of appointments met.

(b) Held orders.

For purposes of this section a held order is any request for primary exchange service that is not filled on or before the commitment date. This report measures the provisioning

of primary exchange access lines in locations where there are presently no company services or facilities, and locations where service is presently being provided, but where the company is temporarily unable to provide service to new subscribers because of a lack of facilities. The number of held orders shall be expressed as a ratio per one hundred new or reestablished lines ordered.

(c) Regrade orders held.

This report measures the number of requests for higher grades of service (e.g., a request to upgrade from multiparty to single party service) unfilled for more than thirty days. The number of regrade requests unfilled for more than thirty days shall be expressed as a ratio per one hundred requests for regrades (new requests plus unfilled requests from the previous months).

(d) Trouble reports.

This report measures the number of subscribers indicating improper functioning of service. The total number of initial trouble reports (including repeated reports) shall be expressed as a ratio per one hundred lines in service. Trouble reports related to customer premises equipment shall not be included. This measurement shall be reported on an exchange basis.

(4) When the commission believes it is necessary to investigate or address such problems as excessive levels of subscriber or consumer complaints, or otherwise to protect the public interest, the commission may request further detailed information from companies with more than fifty thousand access lines for subsection (3)(a) through (d) of this section, by geographic or service unit. Performance records for such companies shall be kept in a format suitable for each local exchange company's operation and in such condition that they can be forwarded to the commission upon request.

[Statutory Authority: RCW 80.01.040. 93-06-055 and 93-14-119 (Orders R-384 and R-389, Docket No. UT-921192), § 480-120-535, filed 2/26/93 and 7/2/93, effective 3/29/93 and 8/2/93.]

Chapter 480-149 WAC TARIFF CIRCULAR NO. 6

WAC

480-149-120 Notice required--Less than statutory notice.

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

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

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

(b) Providing for the movement of circuses.

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

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

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

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

(4) In cases of actual emergency, or when real merit is shown, the commission may, in its discretion, permit tariffs to become effective on less than the notice and the publication time periods specified in the statute or this section L.S.N. Application for such authority must be on a form supplied by the commission.

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under which the tariff is submitted or the form on which it is submitted clearly and prominently specifies that the tariff is submitted to become effective on less than statutory notice.

On every tariff or supplement that is issued on less than statutory notice by order or regulation of the commission, notation must be made that it is issued under L.S.N. order of the Washington utilities and transportation commission, number . . . of (date) , or by authority of Rule . . . W.U.T.C. Tariff Circular No. 6, or by authority of decision of the commission in Cause No.

(5) Whenever a carrier files a tariff on not less than forty-five days' notice, containing increased rates and charges for collection and disposal of solid waste, the carrier shall notify affected customers no later than the date of filing that a tariff of increased rates and charges is being filed with the Washington utilities and transportation commission, Olympia, Washington, proposed to become effective on the date stated in the filing and that the carrier has asked that it become effective on the date requested. The amount of increased charges must also be indicated. Notice shall be in writing and sent to customers by United States mail. The notice shall state that the proposed rates shall not become effective until reviewed by the commission. The notice shall also include a statement that affected customers who oppose the increase may express that opposition in writing to reach the Washington utilities and transportation commission not later than fourteen days from the date of the notice and shall state the address of the commission headquarters office. A copy of the notice shall also be mailed or delivered to at least one newspaper of general circulation in the area. The tariff filed with the commission must be accompanied by a letter of transmittal fully setting forth the reasons justifying

the proposed increased charges. The letter shall also state that notice has been given in the manner outlined above.

[Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-149-120, filed 12/1/93, effective 1/1/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-120, filed 10/31/90, effective 12/1/90; 88-08-047 (Order R-285, Cause No. TG-2146), § 480-149-120, filed 4/4/88; 88-01-115 (Order R-283, Cause No. T-2118), § 480-149-120, filed 12/23/87; 83-11-019 (Order R-203, Cause No. TR-1697), § 480-149-120, filed 5/11/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

Title 490 WAC

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD ALSO VOCATIONAL REHABILITATION (SOCIAL AND HEALTH SERVICES, DEPT. OF)

Chapters

- 490-04B Work force training and education coordinating board.**
- 490-08B Practice and procedure.**
- 490-10 Organization.**
- 490-13 Designation of rules coordinator.**
- 490-100 Private vocational school regulations.**
- 490-276 Access to public records.**
- 490-325A State Environmental Policy Act rules.**

Chapter 490-04B WAC

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

WAC

- 490-04B-010 Time and place of board meetings.**

WAC 490-04B-010 Time and place of board meetings. The work force training and education coordinating board shall hold at least six regular meetings annually and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board except during a regular or special meeting.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-04B-010, filed 2/18/93, effective 2/18/93.]