

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters

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- 480-150 Compliance with Economic Stabilization Act of 1970 as amended.

Reviser's note: Order R-5, filed 6/6/69, was to become effective upon publication in the Washington Administrative Code. Therefore, the declared effective date of the rules as published in WAC Supplement #3 was October 9, 1969.

The following list as compiled by the utilities and transportation commission constitutes the remaining rules in effect at this time, which under the authority of RCW 34.04.050(3) will not be codified in the Washington Administrative Code. Such rules, as well as later promulgations where applicable, are on file and may be inspected in the Office of the Code Reviser, Legislative Building, Olympia, Washington 98504.

UNIFORM SYSTEM OF ACCOUNTS:

- Uniform System of Accounts for Class A & B Telephone Companies
- Uniform System of Accounts for Class A & B Electric Companies
- Uniform System of Accounts for Class C Electric Companies
- Uniform System of Accounts for Class D Electric Companies
- Uniform System of Accounts for Class A & Class B Gas Companies
- Uniform System of Accounts for Class C Gas Companies
- Uniform System of Accounts for Class D Gas Companies
- Uniform System of Accounts for Class A & Class B Water Utilities
- Uniform System of Accounts for Class C Water Utilities
- Uniform System of Accounts for Class D Water Utilities
- Uniform System of Accounts for Railroad Companies
- Uniform System of Accounts for Class I & Class II Motor Carriers of Property
- Uniform System of Accounts for Class III Motor Carriers of Property
- Uniform System of Accounts for Class IV Motor Carriers of Property
- Uniform System of Accounts for Class I Common & Contract Motor Carriers of Passengers
- Uniform System of Accounts for Class II Auto Transportation Companies
- Uniform System of Accounts for Water Transportation Companies
- Uniform System of Accounts for Storage Warehouses
- Uniform System of Accounts for Class I Intracity Motor Carriers of Passengers
- Uniform System of Accounts for Class II Intracity Motor Carriers of Passengers
- Uniform System of Accounts for Pipe Line Companies
- Uniform System of Accounts for Class A Garbage and Refuse Collection Companies
- Uniform System of Accounts for Class B Garbage and Refuse Collection Companies

REGULATIONS GOVERNING PRESERVATION OF RECORDS:

- Regulations to Govern the Preservation of Records of Electric, Gas & Water Utilities—1958 (NARUC)
- Part 4. Preservation of Records of Telephone Companies—1950 (F.C.C.)

ANNUAL REPORT FORMS:

- Motor Freight Carriers
 - Class I
 - Class II
 - Class III
 - Class IV
 - Quarterly Form
- Auto Transportation Companies (Busses):
 - Class I
 - Class II
 - Class III
 - Class IV
 - Quarterly Form
- Intracity Auto Transportation Companies (Busses):
 - Class I
 - Class II
 - Class III
- Passenger Charter Carriers (Busses):
 - Quarterly Form
- Railroads:
 - Class I
 - Class II
- Garbage & Refuse Collection Companies:
 - Class A
 - Class B
- Electric Railroads
- Express Company
- Pipe Line Companies
- Storage Warehouse

Dock Companies		Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
Certificated Boat (Passenger)		Appearances. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-080, filed 4/19/78; Order R-79, § 480-08-080, filed 12/3/75; Order R-5, § 480-08-080, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
Non-Certificated Boat (Freight)	480-08-080	
Electric Utilities:		
Classes A & B		
Class C		
Class D		
Water Utilities:		
Classes A, B and C		
Class D	480-08-090	Appearance and practice before commission. [Order R-5, § 480-08-090, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
Telephone Utilities:		
Classes A & B		
Gas Utilities:		
Classes A & B		
Classes C & D	480-08-100	Prehearing conferences. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-100, filed 4/19/78; Order R-5, § 480-08-100, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
Telegraph Utilities:		
Wire-Telegraph Carriers		
Miscellaneous Common Carriers:		
Licensee in Domestic Public Land Mobile Radio Service	480-08-110	Voluntary settlement. [Order R-5, § 480-08-110, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE		
Chapter 480-08 PROCEDURE		
480-08-010	Communications. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-08-010, filed 12/23/87; Order R-43, § 480-08-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-010, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-120
480-08-015	Submission of "confidential" information. [Statutory Authority: RCW 80.01.040, 80.04.095 and 42.17.310. 88-01-114 (Order R-267, Cause No. U-87-1452-R), § 480-08-015, filed 12/23/87.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-130
480-08-020	Office hours. [Order R-5, § 480-08-020, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-140
480-08-030	Parties. [Order R-79, § 480-08-030, filed 12/3/75; Order R-5, § 480-08-030, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-150
480-08-040	Informal procedure—Applications and protests. [Order R-82, § 480-08-040, filed 6/30/76; Order R-5, § 480-08-040, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-160
480-08-050	Pleadings. [Statutory Authority: RCW 80.01.040. 85-09-025 (Order R-226, Cause No. U-85-07), § 480-08-050, filed 4/10/85. Statutory Authority: 1979 c 33. 79-09-017 (Order R-130, Cause No. U-79-34), § 480-08-050, filed 8/9/79; Order R-87, § 480-08-050, filed 10/20/76; Order R-5, § 480-08-050, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-170
480-08-055	Objections to closures of highway-railroad grade crossings. [Order R-79, § 480-08-055, filed 12/3/75.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-180
480-08-060	Filing and service. [Order R-5, § 480-08-060, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.	480-08-190
480-08-070	Intervention. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-070, filed 4/19/78; Order R-5, § 480-08-070, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310,	480-08-200
		Exhibits and documentary evidence. [Order R-43, § 480-08-200, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-200, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
		Modified procedure. [Order R-5, § 480-08-210, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
		Briefs. [Order R-5, § 480-08-220, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
		Commission proposed orders. [Order R-5, § 480-08-230, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
		Proposed orders by examiners. [Order R-5, § 480-08-240, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036

- (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040. Rehearing or reconsideration. [Statutory Authority: RCW 80.01.040. 86-17-003 (Order R-264, Cause No. T-1979), § 480-08-250, filed 8/8/86; Order R-5, § 480-08-250, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
- 480-08-250 480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order R-81, § 480-10-060, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-260 480-10-100 Summary of information which may be required of a private applicant. [Order R-81, § 480-10-100, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-270 480-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order R-81, § 480-10-150, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-280 480-10-160 No presumption of significance for nonexempt actions. [Order R-81, § 480-10-160, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-280 480-10-170 Categorical exemptions. [Order R-81, § 480-10-170, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-290 480-10-175 Exemptions and nonexemptions applicable to the commission. [Order R-88, § 480-10-175, filed 10/20/76; Order R-81, § 480-10-175, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-300 480-10-180 Exemption for emergency actions. [Order R-81, § 480-10-180, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-310 480-10-190 Use and effect of categorical exemptions. [Order R-81, § 480-10-190, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-320 480-10-200 Commission, when it is the lead agency—Responsibilities. [Order R-81, § 480-10-200, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-330 480-10-203 Determination of lead agency—Procedures. [Order R-81, § 480-10-203, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-08-330 480-10-205 Lead agency designation—Governmental proposals. [Order R-81, § 480-10-205, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-010 480-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order R-81, § 480-10-210, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-020 480-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-025 480-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order R-81, § 480-10-220, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-030 480-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order R-81, § 480-10-225, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-040 480-10-230 Lead agency designation—Specific proposals. [Order R-81, § 480-10-230, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-050 480-10-250 Timing of the EIS process. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.]
- 480-10-055

	(Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-375	Withdrawal of negative threshold determination. [Order R-81, § 480-10-375, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-235	Local agency transfer of lead agency status to a state agency. [Order R-81, § 480-10-235, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-390	Effect of threshold determination by lead agency. [Order R-81, § 480-10-390, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-240	Agreements as to lead agency status. [Order R-81, § 480-10-240, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-400	Duty to begin preparation of a draft EIS. [Order R-81, § 480-10-400, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-245	Agreements between agencies as to division of lead agency duties. [Order R-81, § 480-10-245, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-405	Purpose and function of a draft EIS. [Order R-81, § 480-10-405, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-270	Assumption of lead agency status by another agency with jurisdiction. [Order R-81, § 480-10-270, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-410	Predraft consultation procedures. [Order R-81, § 480-10-410, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-300	Threshold determination requirement. [Order R-81, § 480-10-300, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-420	Preparation of EIS by persons outside the commission. [Order R-81, § 480-10-420, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-305	Notice of timing for threshold determination. [Order R-81, § 480-10-305, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-425	Organization and style of a draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-310	Threshold determination procedures—Environmental checklist. [Order R-81, § 480-10-310, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-440	Contents of a draft EIS. [Order R-81, § 480-10-440, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-320	Threshold determination procedures—Initial review of environmental checklist. [Order R-81, § 480-10-320, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-442	Special considerations regarding contents of an EIS on a nonproject action. [Order R-81, § 480-10-442, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-330	Threshold determination procedures—Information in addition to checklist. [Order R-81, § 480-10-330, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-444	List of elements of the environment. [Order R-81, § 480-10-444, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-340	Threshold determination procedures—Negative declarations. [Order R-81, § 480-10-340, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-446	Draft EIS—Optional additional elements—Limitation. [Order R-81, § 480-10-446, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-345	Assumption of lead agency status by commission—Prerequisites, effect and form of notice. [Order R-81, § 480-10-345, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-450	Public awareness of availability of draft EIS. [Order R-81, § 480-10-450, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-350	Affirmative threshold determination. [Order R-81, § 480-10-350, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-455	Circulation of the draft EIS—Review period. [Order R-81, § 480-10-455, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-355	Form of declaration of significance/nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-460	Specific agencies to which draft EIS will be sent. [Order R-81, § 480-10-460, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-360	Threshold determination criteria—Application of environmental checklist. [Order R-81, § 480-10-360, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-465	Agencies possessing environmental expertise. [Order R-81, § 480-10-465, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-365	Environmental checklist. [Order R-81, § 480-10-365, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-480	Public hearing on a proposal—When required. [Order R-81, § 480-10-480, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
480-10-370	Withdrawal of affirmative threshold determination. [Order R-81, § 480-10-370, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.	480-10-485	Notice of public hearing on environmental impact of the proposal. [Order R-81, § 480-10-485, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
		480-10-490	Public hearing on the proposal—Use of environmental documents. [Order R-81, § 480-10-490, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

- 480-10-495 Preparation of amended or new draft EIS. [Order R-81, § 480-10-495, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-510 Responsibilities of commission as a consulted state agency with jurisdiction. [Order R-81, § 480-10-510, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-520 Responsibilities of commission as a consulted state agency with environmental expertise. [Order R-81, § 480-10-520, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-530 Responsibilities of commission as a consulted agency—When predraft consultation has occurred. [Order R-81, § 480-10-530, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-535 Cost of performance of commission responsibilities as a consulted agency. [Order R-81, § 480-10-535, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-540 Limitations on responses to consultation. [Order R-81, § 480-10-540, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-545 Effect of no written comment. [Order R-81, § 480-10-545, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-550 Preparation of the final EIS—Time period allowed. [Order R-81, § 480-10-550, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order R-81, § 480-10-570, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order R-81, § 480-10-580, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-600 Circulation of the final EIS. [Order R-81, § 480-10-600, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order R-81, § 480-10-650, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. [Order R-81, § 480-10-652, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-660 Use of previously prepared EIS for a different proposed action. [Order R-81, § 480-10-660, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-690 Use of commission's EIS by other acting agencies for the same proposal. [Order R-81, § 480-10-690, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-695 Draft and final supplements to a revised EIS. [Order R-81, § 480-10-695, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-700 No action for seven days after publication of the final EIS. [Order R-81, § 480-10-700, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-710 EIS combined with existing planning and review processes. [Order R-81, § 480-10-710, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-810 Responsibility of commission—Amendments to this chapter. [Order R-81, § 480-10-810, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-830 Commission SEPA public information center. [Order R-81, § 480-10-830, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-835 Regional SEPA public information centers. [Order R-81, § 480-10-835, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-840 Application of these rules to ongoing actions. [Order R-81, § 480-10-840, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

Chapter 480-50

PASSENGER AND FERRY STEAMBOAT COMPANIES

- 480-50-010 Definitions. [Statutory Authority: RCW 80.01.040, 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-010, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-010, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-020 General operation. [Order R-5, § 480-50-020, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-030 Applications. [Order R-5, § 480-50-030, filed 8/8/73; Order R-5, § 480-50-030, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-035 Notice of application; protests; contemporaneous applications. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW, 91-22-034 (Order R-351, Docket No. A-910835), § 480-50-035, filed 10/30/91, effective 11/30/91.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-040 Tariffs. [Statutory Authority: RCW 80.01.040, 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-040, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-040, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-050 Freight classification. [Order R-5, § 480-50-050, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-060 Time schedules. [Order R-5, § 480-50-060, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-070 Suspension of service. [Order R-5, § 480-50-070, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

- 480-50-080 Accounts. [Order R-5, § 480-50-080, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-090 Annual reports. [Statutory Authority: RCW 80.01.040, 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-50-090, filed 12/15/89, effective 1/15/90; Order R-5, § 480-50-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-100 Fees. [Order R-5, § 480-50-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-110 Discontinuance. [Order R-5, § 480-50-110, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-120 Failure. [Order R-5, § 480-50-120, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-130 Cancellation. [Order R-5, § 480-50-130, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- 480-50-140 General. [Order R-5, § 480-50-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).
- Chapter 480-105
ELECTRIC COMPANIES—
INTERCONNECTION WITH ELECTRIC COGENERATION AND
SMALL POWER PRODUCTION FACILITIES**
- 480-105-001 Purpose. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-001, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-005 Application of rules. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-005, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-010 Definitions. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-010, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-020 Obligations of qualifying facilities to electric utility. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-020, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-030 Availability of electric utility system cost data. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-030, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-040 Obligations of electric utility to qualifying facilities. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-040, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-050 Rates for purchases. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-050, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-060 Rates for sales. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-060, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-070 Interconnection costs. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-070, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-105-080 System emergencies. [Statutory Authority: RCW 80.04.160, 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-080, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.
- Chapter 480-130
STORAGE WAREHOUSE COMPANIES**
- 480-130-010 No operation without license. [Order R-5, § 480-130-010, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-020 Qualifications for license. [Order R-5, § 480-130-020, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-030 Applications for storage warehouse license. [Order R-5, § 480-130-030, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-040 Tariffs. [Order R-5, § 480-130-040, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-050 Warehouse receipts—Liability. [Statutory Authority: RCW 81.92.090, 79-11-027 (Order R-134, Cause No. TSW-1272), § 480-130-050, filed 10/10/79; Order R-5, § 480-130-050, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-060 Household goods—Definition. [Order R-5, § 480-130-060, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-070 General merchandise—Definition. [Order R-5, § 480-130-070, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-080 Insurance. [Order R-5, § 480-130-080, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-090 License cancelled. [Order R-5, § 480-130-090, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-100 License fees, term, posting, authority, fees forfeited. [Order R-5, § 480-130-100, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause

- No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-110 Use of new buildings, or discontinuance. [Order R-5, § 480-130-110, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-120 Transfer of ownership. [Order R-5, § 480-130-120, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-130 Accounts. [Order R-62, § 480-130-130, filed 12/19/73; Order R-5, § 480-130-130, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-140 Advertising. [Order R-5, § 480-130-140, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-150 Waiver of rules. [Order R-5, § 480-130-150, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-160 Documents—When filed. [Order R-5, § 480-130-160, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-170 Conflict with tariff rules—Enforcement warehousemen's lien—Transfers of property—Affiliated interests. [Order R-5, § 480-130-170, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
- 480-130-180 Rebates. [Order R-5, § 480-130-180, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-04-080 Office hours. [Order R-43, § 480-04-080, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.

WAC 480-04-020 Definitions. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all telefacsimile copies, papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor pursuant to RCW 80.01.010.

Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(4) Secretary. "Secretary" means the secretary of the commission. Except as otherwise provided, the term "secretary" also refers to the acting secretary and to the secretary's designee.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-020, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-020, filed 4/5/73.]

Chapter 480-04 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

- 480-04-020 Definitions.
- 480-04-030 Description of central and field organization of Washington utilities and transportation commission.
- 480-04-050 Public information; public submittals or requests other than requests for public documents.
- 480-04-060 Public records available; hours for inspection and copying.
- 480-04-065 Records index.
- 480-04-070 Public records officer.
- 480-04-090 Requests for public records.
- 480-04-095 Disclosure procedure.
- 480-04-100 Copying and service costs.
- 480-04-110 Exemptions; qualifications on nondisclosure.
- 480-04-120 Review of denials of public records requests.
- 480-04-130 Protection of public records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-04-010 Purpose. [Order R-43, § 480-04-010, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.
- 480-04-040 Public information available. [Order R-43, § 480-04-040, filed 4/5/73.] Repealed by 92-07-006, (Order R-368, Docket No. A-910530), filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040.

WAC 480-04-030 Description of central and field organization of Washington utilities and transportation commission. (1) The Washington utilities and transportation commission consists of three members who are appointed by the governor pursuant to RCW 80.01.010. The governor designates one member as the chairman.

(2) The administrative office of the commission, also known as the headquarters, is located at 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Its mailing address is Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250. Its telephone number is (360) 753-6423.

(3) The commission is organized into the following principal parts: Administrative services division; transportation division; utilities division; policy planning and research section; public affairs section; and regulatory affairs section. The heads of the listed parts are responsible directly to the commissioners. They are housed in the commission's headquarters office.

(4) The commission has two regional offices, each of which is in the charge of a regional manager. Each of the offices is open during customary commission hours. As of the effective date of this rule, the addresses of the commission's regional offices were as follows:

	Office	Address
(a)	Kent Region	West Meeker Square 1313 West Meeker Ave. Kent, WA 98032 (206) 859-1727
(b)	Spokane Region	East 6204 Dean Spokane, WA 99206 (509) 533-2475

Because regional office addresses may change from time to time, current addresses and telephone numbers should be obtained from the local telephone directory or from the commission's administrative office.

(5) Each regional office maintains one or more field offices. The addresses and office hours of the various field offices are available at the regional offices and the commission's administrative office.

[Statutory Authority: RCW 80.01.040. 94-11-002 (Order R-412, Docket No. TV-940121), § 480-04-030, filed 5/4/94 effective 6/4/94; 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-030, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 (1) and (4). 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-030, filed 3/4/81; Order R-43, § 480-04-030, filed 4/5/73.]

WAC 480-04-050 Public information; public submittals or requests other than requests for public documents. (1) General information concerning utilities and transportation matters subject to the commission's jurisdiction is available through the commission's administrative office, district offices, and field offices.

(2) Information concerning whether a common or contract carrier of solid waste or motor freight currently has operating authority, the scope of that authority, and the current commission-published tariffs of carriers of motor freight, may be obtained by requesting the information from the commission's administrative office, from the manager of any district office, or from a commission field agent at any field office. Requests for inspection or copying of records which are the source of such information must comply with WAC 480-04-090. Because some information may not be readily available in a district or field office, staff may be unable to process a request for information made to a district or field office as promptly as a request made to the commission's administrative office.

(3) Documents or written requests for information should be submitted to the office of the secretary of the commission. Written communications should be in the form and should contain the information prescribed in WAC 480-09-100.

(4) Requests may be made by telephone to the commission's public number, and will be routed to staff who can assist the requester.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-050, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-050, filed 4/5/73.]

WAC 480-04-060 Public records available; hours for inspection and copying. (1) Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095 (records containing commercial

information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying.

(2) The commission shall act promptly on requests for inspection and copying.

(3) The commission shall respond in accordance with these rules to requests received by mail for identifiable public records.

(4) Public records shall be available for inspection and copying during the commission's customary office hours. For purposes of this chapter, the customary office hours of the commission's administrative and district offices shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-060, filed 3/5/92, effective 4/5/92. Order R-43, § 480-04-060, filed 4/5/73.]

WAC 480-04-065 Records index. The commission will publish and index its significant adjudicative decisions; declaratory orders; and interpretive statements and policy statements.

(1) Each month, the commission will publish separately and make available to subscribers its adjudicative decisions entered the prior month which resolve contested issues or which it believes will be of interest or significance. The commission will include declaratory orders and interpretive and policy statements and will include a summary of the decisions, orders, and statements with each publication.

(2) The commission will annually publish indices of the principles which are applied in the text of published orders and statements entered during the prior year.

(3) The publications will be available for sale at the commission's estimated actual cost of reproduction and distribution. They will also be available for inspection during office hours in each district office of the commission and in the commission's library in Olympia.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-065, filed 3/5/92 effective 4/5/92.]

WAC 480-04-070 Public records officer. The secretary of the commission is the public records officer of the commission for all records maintained by the commission. The secretary's office is located in the commission's administrative office. As the commission's public records officer, the secretary shall be responsible for implementing the commission's rules and regulations regarding release of public records; coordinating the staff of the commission in this regard; and for compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-070, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-070, filed 4/5/73.]

WAC 480-04-090 Requests for public records. RCW 42.17.250 through 42.17.320 require that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency,

and RCW 80.04.095 protects records containing commercial information. To allow compliance with those statutes, public records (other than public information identified in WAC 480-04-050) may be inspected or copies of such records may be obtained, by members of the public, in accordance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission or in a letter containing equivalent supporting information. The prescribed form shall be available at the commission's administrative office and at each of its district and field offices.

(2) A request shall be made during the commission's customary office hours.

(3) A request may be initiated at any office of the commission, by giving the written request to the receptionist or to any other available commission staff member; except that a request for a record or portion thereof which has been designated as confidential under the provisions of RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as provided in WAC 480-09-015(5). Mailed requests should be addressed to the secretary of the commission.

(4) A request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request is made;

(c) If the person requesting the record represents another individual or organization on whose behalf the request is made, the identity of such individual or organization;

(d) A statement, heading or other clear indication that the request is a request for inspection and/or copying of public records, and a statement of the nature of the access requested (copying or inspection, or both);

(e) A description of the record requested sufficiently specific to allow the record to be readily identified. A reference to the requested record as it is described in the current index maintained by the secretary of the commission will be helpful in identifying it;

(f) A statement of whether a purpose of the request is to obtain a list of individuals to be used for commercial purposes.

(5) Commission staff will make a reasonable effort to assist in identifying and securing the public record requested.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-090, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-090, filed 4/5/73.]

WAC 480-04-095 Disclosure procedure. (1) If a request is incomplete or otherwise deficient, the secretary or the secretary's designee will promptly notify the requester of the deficiency which has been identified in the request, and will endeavor to assist the requester in completing or correcting the request. Notifying the requester of a deficiency is not a denial of the request. The secretary may take action on a deficient request to the extent appropriate, consistent with the commission's obligation to respond promptly to requests for public records.

(2) Upon the receipt of a sufficient request, the secretary or the secretary's designee shall review a requested record, to determine whether the record or a portion of the record is exempt from disclosure under the provisions of RCW

42.17.260, 42.17.310, or other provision of law. The review shall include a determination of whether confidential information, as defined in WAC 480-09-015, is being requested, and whether the record or any portion of the record has been designated as confidential under the provisions of RCW 80.04.095 and WAC 480-09-015.

(3) To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, the commission will delete identifying details from a public record when it makes the record available or publishes it. In each case, the justification for the deletion will be explained in writing.

(4) Only the secretary, or in the absence of the secretary, the acting secretary, is authorized to deny requests for public records under these rules. Any action other than the granting of access to public records, when taken by a person other than the secretary or acting secretary, is a deferral of action, and not a denial of a request. Any commission staff member who does not grant access to a public record upon a sufficient written request must immediately remit the requested document together with the written request to the secretary or acting secretary for prompt decision granting or denying the request.

(5) A response by the secretary or acting secretary refusing, in whole or part, inspection of any public record shall specify the reasons for the denial, in writing, at the time of the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. The remainder of the record shall be promptly disclosed.

(6) Records containing "confidential information."

(a) If a requested record contains information that the information provider has designated confidential under the provisions of RCW 80.04.095 and WAC 480-09-015, and the requester has not specifically requested confidential information, the secretary shall advise the requester that material in the file or group of documents has been designated confidential, and shall confirm that the requester is requesting such confidential information, prior to processing the request under WAC 480-09-015.

(b) To the extent a request is for a record or portion thereof designated as confidential under the provisions of RCW 80.04.095 and WAC 480-09-015, it shall be processed in accordance with the provisions of WAC 480-09-015.

(7) Any person continuing to seek disclosure, after having received a written explanation for nondisclosure pursuant to this rule, may request a review under the provisions of WAC 480-04-120.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-095, filed 3/5/92, effective 4/5/92.]

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

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

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

- (a) Photocopies shall cost twenty cents per page.
 - (b) Certified copies shall cost two dollars and fifty cents per certified sheet.
 - (c) Telefacsimile (FAX) transmissions shall cost fifty cents per page.
 - (d) Computer lists or printouts shall cost fifty cents per page.
 - (e) Computer data copied onto floppy disks shall cost five dollars per disk.
 - (f) Audio tapes shall cost four dollars each.
 - (g) Video tapes shall cost fifteen dollars each.
- (3) Sales tax, at the current rate, shall be added to the base price of each item.

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

WAC 480-04-110 Exemptions; qualifications on nondisclosure. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 480-04-090 is exempt from disclosure under the provisions of RCW 42.17.260, 42.17.310, or any other provision of law.

(2) In addition, pursuant to RCW 42.17.260(1), the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The justification for the deletion will be explained in writing.

(3) The commission will not give, sell, or provide access to lists of individuals requested for commercial purposes, except as provided in RCW 42.17.260(6).

(4) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(5) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-110, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-110, filed 4/5/73.]

WAC 480-04-120 Review of denials of public records requests. (1) If the person requesting disclosure disagrees with the denial of a request for a public record, the person may petition for prompt review of the decision by submitting a written request for review to the secretary. The written request shall specifically refer to the written statement by the secretary or acting secretary which constituted or accompanied the denial. Requesting this review is optional, and failure to request this review does not constitute failure to exhaust administrative remedies.

(2) A request for review may be made in person at the commission's administrative office or at a district office, or may be made by mail. Response to a request which is made at a district office or by mail may take longer than response to a request made at the administrative office.

(3) Promptly after receiving a written request for review of a decision denying disclosure, the secretary or acting secretary shall review the denial decision. The secretary or acting secretary may reconsider the denial decision, or may refer the request to the commission for review at a regular or special meeting of the commission.

(4) If a revised decision is not sooner returned, the commission's review of a decision denying disclosure shall be deemed completed at the end of the second business day following the secretary's or acting secretary's initial denial decision, and the commission's final decision shall be deemed to be a denial of disclosure. Completion of the review shall constitute final commission action for purposes of judicial review. This provision shall not be construed to prohibit the commission from reversing a denial after the end of the second business day following the initial denial decision.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-120, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-120, filed 4/5/73.]

WAC 480-04-130 Protection of public records. (1) Copying of public documents shall be done by commission personnel only, upon the request of members of the public under the procedures set out in these rules, unless the secretary determines that it is consistent with the procedures and not disruptive of commission operations to allow the member of the public to perform the copying.

(2) No commission document may be physically removed by a member of the public from the area designated by the secretary for the public inspection of documents unless the secretary or the acting secretary authorizes its removal.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the commission shall be allowed a reasonable time to inspect the file to determine whether it contains material designated as confidential or information protected from disclosure by RCW 42.17.310 or other provision of law.

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-130, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-130, filed 4/5/73.]

Chapter 480-09 WAC PROCEDURE

WAC

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WAC 480-09-010 General application—Special rules—Exceptions. (1) General rules. These rules of practice and procedure are for general application to proceedings before the commission.

(2) Special rules. When rules apply to certain classes of public service companies or to particular proceedings, those special rules shall govern in the event of conflict with the general rules.

(3) Modifications and exceptions. These rules are subject to such exceptions as may be just and reasonable in individual cases as determined by the commission.

[Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-010, filed 10/12/89, effective 11/12/89.]

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 480-09-015 Submission of "confidential" information. (1) General.

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

(2) Designated official.

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

(3) Definitions.

"Confidential information." As used in this rule, confidential information consists of and is limited to information filed with or provided to the commission or its staff which is protected from inspection or copying under chapter 42.17 RCW or RCW 80.04.095. In the absence of a challenge, information designated as confidential under this rule will be presumed to meet this definition. In the event of a challenge, the burden of proving that the statutory definition applies is on the party asserting confidentiality.

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

"Requester." Any person who submits a data request in an adjudicative proceeding or a request for public documents under the State Public Disclosure Law.

(4) How to seek protection under this rule.

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

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

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

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

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

(5) Requests for "confidential information."

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

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

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

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

(6) Informal resolution.

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

(7) Release of information.

Any information alleged to be exempt from inspection and copying pursuant to RCW 80.04.095, shall be released only upon notice to the provider and any person identified by the provider as one who might be directly affected by release of the information so as to allow invocation of the statutory procedures for securing a court order protecting the records as confidential. Such notice shall be given not more than two days following location of the materials requested, and determination that they contain information claimed to be confidential. Notice will be given in writing, either by first class mail or by transmission of a copy of the request by electronic facsimile. Notice by mail shall be deemed complete in accordance with WAC 480-09-120(2), and facsimile shall be deemed complete when transmission is complete. A copy of the notice will be forwarded concurrently to the requester.

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

(8) Judicial intervention.

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

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

WAC 480-09-100 Commission address—Communications. (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: Office of the Secretary, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA

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98504-7250, and not to individual members of the commission staff.

(2) Receipt of communications. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary and stamped with the date and time. Documents and communications physically received in the commission offices between 5:00 p.m. of one business day and the start of the next business day are not considered officially received until the next business day when stamped with the date and time.

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

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

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

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

[Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-100, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-100, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-100, filed 10/12/89, effective 11/12/89.]

WAC 480-09-110 Office hours. Commission offices are open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except on state holidays.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-110, filed 10/12/89, effective 11/12/89.]

WAC 480-09-115 Procedure at open public meetings. (1) Meetings. Regular meetings of the commission for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., 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 480-09-125 Failure to file sufficient copies—Costs of copying. (1) When a person files fewer than the required number of copies of a document, the commission may reject the filing. If needed for administrative convenience, the commission will make the additional copies for distribution and processing within the commission. "Administrative convenience" means that not having access to the documents would prejudice the commission.

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

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

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

WAC 480-09-130 Computation of time. The time for doing an act governed by this chapter shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is excluded from the computation.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-130, filed 10/12/89, effective 11/12/89.]

WAC 480-09-135 Variation from time limits. The time stated in chapter 34.05 RCW for action may be lengthened or shortened by the commission in its discretion in individual instances pursuant to RCW 34.05.080. The time stated in these rules for action may be lengthened or shortened by the commission in its discretion.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-135, filed 10/12/89, effective 11/12/89.]

WAC 480-09-140 Ex parte communications. (1) **General.** After the commencement of an adjudicative proceeding and prior to a final determination therein, no party to the proceeding, or its counsel or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties who have appeared therein, to enable them to be present at the conference. When a party initiates correspondence with a presiding or reviewing officer regarding any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of such service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section.

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[Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-140, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-140, filed 10/12/89, effective 11/12/89.]

WAC 480-09-150 Informal complaints. (1) Informal complaints may be made by letter or other communication. Informal complaints may be taken up by the commission with the affected persons, by correspondence or otherwise, to bring about a resolution of the complaint without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.)

(2) **Contents.** An informal complaint should contain all facts essential to a disposition of the complaint, including the dates of acts or omissions complained against. Relevant statutes or rules should be cited if known to the writer.

(3) No mandatory or prohibitory order may result from an informal complaint. Matters instituted by informal complaint shall be without prejudice to the right of any party or the commission to file and prosecute a formal complaint.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-150, filed 10/12/89, effective 11/12/89.]

WAC 480-09-200 Interpretive and policy statements. (1) **General.** Upon the petition of any interested person subject to its jurisdiction, or upon its own motion, the commission may, when it appears to be in the public interest, make and issue interpretive and policy statements when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of statutes or rules of the commission.

(2) The commission shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The roster shall be updated once each year. Whenever the commission issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster.

(3) The commission shall maintain a file and an index of all currently effective interpretive and policy statements. The statements shall be available for inspection and copying at the records center in the commission's Olympia headquarters office.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-200, 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 480-09-230 Declaratory orders. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission shall consider the petition and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission shall:

(1) Enter a declaratory order; or

(2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or

(3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or

(4) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition or call for the submission of a statement of fact upon the matter. If a hearing is held, the commission will give not less than seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable of the time and place for such hearing and of the issues involved.

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

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

(a) Enter a declaratory order; or

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

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

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

WAC 480-09-300 Filing requirements—Statement of policy. Statement of policy. The commission establishes the requirements of WAC 480-09-300 through 480-09-335 for filings relating to general rate increases by electric, natural gas, telecommunications, low-level radioactive waste sites, and solid waste collection companies subject to its jurisdiction. Requirements as to the form and content of filings will standardize presentations, clarify issues, and speed and simplify the processing of rate filings.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-300, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-300, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-300, filed 10/12/89, effective 11/12/89.]

WAC 480-09-310 Filing requirements—Definition.

(1) For the purposes of WAC 480-09-300 through 480-09-335 only, a general rate increase filing is the request by any company regulated by the commission under Title 80 and chapters 81.77 and 81.108 RCW for an increase in rates which meets one or more of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs are restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or capital structure.

(d) The company is regulated under chapter 81.77 RCW, except those companies that provide specific kinds of industrial waste collection services, including but not limited to hazardous and chemical waste, sludge wastes, and other industrial waste.

(2) The following proceedings shall not be considered general rate increases for companies regulated under Title 80 RCW even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations: Periodic rate adjustments for electric utilities as may be authorized by the commission; natural gas tracking increases; emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly increasing a public service expense; rate increases designed to recover governmentally-imposed increases in costs of doing business such as changes in tax laws or ordinances; or other increases designed to recover increased expenses arising on short notice and beyond the public service company's control.

(3) The following proceedings shall not be considered general rate increases for companies regulated under chapter 81.77 RCW even though the request may increase the company's gross annual revenue from Washington regulated operations: Tariff item 230 - disposal fee pass through for drop-box service only provided there are no affiliated interest relationships; filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on current year customer count either as a specified dollar amount or percentage fee amount; and, for the implementation of new collection programs.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-310, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-310, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-310, 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.

(a) 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 unless it is a reported court or agency decision, in which case the reporter citation shall be provided in the testimony. If the document is voluminous it need not be provided with the filing but shall be made available upon request.

(b) The filing shall also include one copy of the testimony, exhibits, and work papers, in an electronic format or formats authorized by the secretary of the commission for the filing, for use in IBM-compatible computers. Material that has not been produced under the company's direction and control and is not available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format.

(c) The filing shall also include three copies of the tariff sheets in legislative format, striking through any material that is to be deleted or replaced and underlining any material to be inserted.

(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, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, etc. 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. Acceptance of a settlement does not constitute acceptance of underlying methodology unless the order accepting the settlement does so specifically.

(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) Contemporaneous 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 and the accompanying work papers, diskettes, and publications specified in this rule are available from the company upon request or stating that they have been provided. This provision does not create a right to notice in persons named to receive the summary. Prior to entry of a protective order, the disclosing party may withhold any confidential material in its evidence or supporting material unless the requesting party provides a guarantee of confidentiality that is satisfactory to the disclosing party.

This provision is not intended to discourage the sharing of information at any earlier stage, and any material specified herein that has previously been provided to a person identified in this subsection need not be duplicated.

(5) The most recent annual report to shareholders, if any, and any subsequent quarterly reports to shareholders; 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. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-330, filed 1/3/96, effective 2/3/96; 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 480-09-335 Filing requirements—General rate increases solid waste collection companies. General rate increase filings by class A and B haulers as defined in WAC 480-70-350 shall include at the time of the filing, at least the following information:

(1) Two copies of the proposed tariff, a copy of every local government ordinance related to the request, and a copy of the customer notices issued in compliance with the provisions of WAC 480-149-120 and a transmittal letter prepared in compliance with the provisions of WAC 480-149-120 and 480-70-240.

(2) All supporting work papers for the test period, which is the most recent, or most appropriate, consecutive twelve-month period, for which financial data is available. Work papers are to include:

(a) A detailed pro forma income statement separated between solid waste, single family residential recycling, multifamily recycling, and yard waste with restating actual and pro forma adjustments, as defined in WAC 480-09-330(2), including all supporting calculations and documentation for all adjustments.

(b) A calculation of the revenue impact of proposed tariff revisions.

(c) An income statement listing all revenue and expense accounts by month.

(d) If nonregulated revenue represents more than ten percent of total company test period revenue, a detailed separation of all revenue and expenses between regulated and nonregulated operations.

(e) A detailed list of all nonregulated operations, including the rates charged for the services rendered. Copies of all contracts shall be provided upon request.

(f) Detailed price-out information which reconciles within five percent, without adjustment, to the test period booked revenue including the test period customer count by tariff item.

(g) A consolidated balance sheet, including the percentage of equity and the percentage of debt and the cost of that debt by component.

(h) A detailed depreciation schedule listing all used and useful assets held by the company during the test period, including the date of purchase, the cost at purchase, the depreciable life, the salvage value, depreciation expense, and accumulated depreciation expense at the end of the test period.

(i) Computed average investment. Average investment is the net book value of allowable assets at the beginning of the test period plus the net book value of allowable assets at the end of the test period, divided by two. Investor supplied working capital may be included, provided a work sheet is submitted detailing the calculations.

(j) Information about every affiliated interest transaction directly or indirectly affecting the proposed rates. This shall include: A full description of the relationship; terms and amount of the transaction; the length of time the relationship has been ongoing; and, an income statement and balance sheet for every affiliated entity.

(3) The most recent consolidated annual report to shareholders, if any.

(4) All class A haulers shall submit a completed cost of service study, using a format prescribed by commission staff, with the first general rate increase request following the effective date of this rule. If additional rate increase requests are filed in the two years following a filing in which a cost of service study was provided, then a new study will not be required. When the general rate increase filing is for a curbside yard waste or recycling program, a cost of service study will not be required.

[Statutory Authority: RCW 80.01.040, 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-335, filed 11/30/92, effective 12/31/92.]

WAC 480-09-340 Compliance filings. (1) A compliance filing is a tariff filing that is made to comply with an order authorizing or requiring a specific subsequent later filing. A compliance order is an order approving, suspending, or rejecting a compliance filing.

(a) A compliance filing and any accompanying work papers shall be served on the attorney of each party to the proceeding in which the compliance filing was authorized or required. Service shall be made in a manner to be received by the parties no later than the date filed with the commission unless such service on a party is infeasible because of its size or the timing of the filing, in which case delivery on the day following filing is permissible.

(b) A compliance filing shall be strictly limited in scope to the subjects and the tariffs that are necessary to comply

with, or that are authorized by, the order leading to the filing.

(c) A cover letter accompanying each compliance filing shall identify the order with which the filing is intended to comply.

(2) If the order authorizing or requiring a filing does not state the number of business days required for commission examination of the proposed compliance tariff between its filing and its stated effective date, the filing is subject to all pertinent requirements for tariff filings of the industry and shall be made with the required statutory notice period unless the order provides otherwise. Such a filing shall be docketed under its own docket number and shall not be considered a continuation of the prior proceeding.

(3) A compliance filing made on less than statutory notice, whether or not a shortened period is authorized or directed in the order leading to the filing, does not become effective automatically on its stated effective date, but requires a commission order of approval. In the absence of an order of approval, the tariff filing does not become effective on the stated effective date, but remains pending until the commission has completed its review. On completing that review, the commission shall immediately enter an order under subsection (4) of this section. A compliance filing made on statutory notice is subject to all statutory and regulatory provisions regarding suspension.

(4) If the commission believes that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission will not approve the tariff unless it has preapproved the variance.

(a) The commission may enter an order in the proceeding in which the filing was authorized or required, to (i) suspend a noncomplying filing or any portion that apparently fails to comply, and assign a docket number for processing, or (ii) reject the noncomplying filing, or any portion that apparently fails to comply, without prejudice to the company's refiling a new or original tariff provision under otherwise pertinent law and regulation. The commission may attach such conditions on compliance refiling as it believes appropriate.

(b) The commission may suspend any filing under its own docket number by otherwise pertinent process.

(c) The commission may delegate to the secretary the authority to enter a compliance order in specific proceedings by written authorization; by oral authority later reduced to writing; or by action in an open public meeting.

(d) Failure to identify noncompliance before approval does not preclude the commission from taking later steps as authorized by law to secure compliance.

[Statutory Authority: RCW 80.01.040, 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-340, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-340, filed 10/12/89, effective 11/12/89.]

WAC 480-09-390 Objections to closures of highway-railroad grade crossings. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 shall be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to

the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. No person who fails to enter an appearance as prescribed by WAC 480-09-720, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, and no such person will be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although such person may be sent a courtesy copy of the proposed or final order.

(3) Interested persons who lack party status, as defined herein, shall be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-390, filed 1/3/96, effective 2/3/96.]

WAC 480-09-400 Applications for adjudicative proceedings. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving matters at issue. Each application should specify every issue to be adjudicated in the proceeding.

(2) Petitions, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings except when specified to the contrary in statute or rule, when the document is presented during an existing adjudication, or when the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings.

(4) Within thirty days after receipt of an application for an adjudicative proceeding, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

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

WAC 480-09-410 Parties. (1) General. "Person" when used in this chapter means any individual, corporation, partnership, association, or any body politic, agency, or municipal corporation. A "party" is any person which has complied with all requirements for establishing and maintaining party status in any proceeding before the commission.

(2) Classification of parties. Parties to proceedings before the commission shall be styled applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties thereto. When an appearance has been entered for the commission and/or for the public counsel division of the attorney general's office, they shall respectively be considered parties to the proceeding for all purposes.

(3) Applicants.

(a) Persons applying for any right or authority which the commission has jurisdiction to grant shall be styled "applicants."

(b) Applicants for adjudicative proceedings under chapter 34.05 RCW shall be styled according to their roles as defined in this section.

(4) Complainants. Persons who complain to the commission of any act or omission by any other person shall be styled "complainants." In any proceeding which the commission brings on its own motion, it shall be styled "complainant."

(5) Petitioners. Persons petitioning for relief shall be styled "petitioners."

(6) Respondents. Persons against whom any complaint is filed shall be styled "respondents."

(7) Intervenors. Persons permitted to intervene pursuant to this chapter shall be styled "intervenors."

(8) Protestants. Persons opposing applications who have complied with the requirements for the filing of protests shall be styled "protestants."

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-410, 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 480-09-426 Motion for summary disposition.

(1) Motion to dismiss. A party may move to dismiss an opposing party's pleading including the documents initiating the case, if the pleading fails to state a claim on which the commission may grant relief. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 12 (b)(6), 12(c), or 50, as applicable, of the civil rules for superior court.

(2) Motion for summary determination. A party may move for summary determination if the pleadings filed in the proceeding, together with any properly admissible evidentiary support, show that there is no genuine issue as to any material fact and the moving party is entitled to summary determination in its favor. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 56 of the civil rules for superior court.

(3) Presentation of a motion for summary disposition shall not automatically stay any scheduled procedures. Without leave from the commission, motions for summary disposition shall not be presented later than thirty days prior to the next applicable hearing session. Responses shall comply with WAC 480-09-425 and 480-09-736. The commission may order a continuance of any procedure and may order oral or written response on a schedule consistent with any established hearing schedule in the proceeding.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-426, filed 1/3/96, effective 2/3/96.]

WAC 480-09-430 Intervention. (1) General intervention. Any person, other than the original parties to any proceeding before the commission, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may:

(a) Petition in writing for leave to intervene prior to, or at the time, it is initially called for hearing or prehearing conference, whichever occurs first; or

(b) Petition orally for leave to intervene at the time of the initial hearing or prehearing conference, whichever occurs first. No such petition shall be filed or made after the proceeding is underway, except for good cause shown. The petition to intervene must disclose the name and address of the person intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy.

A form petition for intervention is available on request from the secretary of the commission. Use of the form is encouraged to ensure receipt of adequate information.

(2) Special intervention. Any person other than the parties of record to any proceeding before the commission, who desires to appear and participate in the proceeding and who desires to broaden the issues in the proceeding, may petition for leave to intervene in the proceeding. The petition must be in writing and filed with the commission, and copies served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or, if there is no conference, at least ten days prior to the date of the hearing. The commission may, for good cause shown, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may grant an oral petition without the ten-day requirement. The petition must disclose the name and address of the party intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy. An affidavit setting forth clearly and concisely the facts supporting the relief sought shall be attached to the petition.

(3) Disposition of petitions to intervene. Petitions to intervene may be considered at hearings and prehearing conferences, or may be set for prior hearing. An opportunity shall be afforded the parties to be heard upon the petition. Intervention may be granted in the absence of appearance by petitioner. A late-filed petition to intervene may be ruled upon without a hearing if all parties have been granted an opportunity to respond. If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the commission may grant the petition orally, at the hearing or prehearing conference or in writing. Limitations may be imposed upon interventions in accordance with RCW 34.05.443(2). The petitioner then becomes a party to the proceeding and becomes known as an "intervenor." Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by the intervention therein, the commission may dismiss the intervenor from the proceeding: *Provided, however,* That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard. A decision by an administrative law judge regarding a petition to intervene is subject to commission review pursuant to WAC 480-09-760.

(4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly and prompt conduct of any proceeding so requires,

the making or filing of petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-430, filed 10/12/89, effective 11/12/89.]

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

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

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

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

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

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

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

(d) The proposed new deadline;

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

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

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

(h) If the request relates to an application for transportation operating authority, whether the applicant is presently

providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

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

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

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

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

WAC 480-09-450 Interpreters. It is commission policy that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and that they have the opportunity for full and equal participation in adjudicative proceedings. In keeping with this policy, the commission incorporates by reference in its rules WAC 10-08-150 of the office of administrative hearings model rules of procedure governing interpreters.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-450, filed 10/12/89, effective 11/12/89.]

WAC 480-09-460 Prehearing and other conferences.

(1) General. When issues are joined in any formal proceeding the commission may, by written notice or by oral notice on the record of the hearing, request or direct all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. The notice of the conference shall provide reasonable notice of the time and place established for the conference and the matters to be addressed. The notice may provide that failure to attend may result in the dismissal of a party, the finding of a party in default, or the refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. A party's failure to attend the conference, in the absence of a showing of good cause for that failure, will constitute the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference. A commissioner, an administrative law judge, or an employee of the commission designated

by the commission, shall preside at such conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

(4) Discovery conference. In addition to the mechanisms set out in WAC 480-09-480 for obtaining information, the commission may request or direct the parties to an adjudication in which the discovery rule has been invoked to attend a conference along with designated witnesses for the purpose of discussing with each other questions about the party's position or evidence and the availability of supporting information. Subject to making satisfactory arrangements for dealing with documents, attendance by telephone shall be permitted in the absence of a demonstration that telephonic attendance will substantially reduce the effectiveness of the conference. The purposes of a discovery conference are to allow witnesses and advisers to talk directly and informally and to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The conference will not be reported. Statements made by participants at a discovery conference are not admissible for evidentiary purposes. Parties shall determine a process to confirm among themselves the results of the discussions. The commission may designate a person, who shall not be associated with any party, with commission advisory staff as to that proceeding, or with commission

advocacy staff, to facilitate a discovery conference, on its own motion or on the request of any party.

(5) Order conference. On the commission's own motion or at the request of any party, the commission may schedule an order conference at which parties may ask clarification of the meaning of a final order entered or to be entered by the commission. The commissioners may attend the conference personally or may designate one or more staff persons to attend on their behalf. The purposes of the conference are to allow parties to ask clarification of the meaning of an order so that compliance may be enhanced and any compliance filing may be accurately prepared and presented, and to discover technical changes that may be required to correct the application of principle to data or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. Such a conference will not stay the effect of the order, the time for compliance, the time for securing post-order review, or the time for judicial review, unless the conference results in a supplemental commission order which then becomes a final order subject to review. Such a conference does not constitute a formal interpretation of the order. The order itself will remain the sole expression of the commission's opinion unless supplemented through an additional order. The order conference will not be reported. The conference is not a forum for discussing or challenging the evidentiary or policy decisions expressed in the order. Those remedies may be pursued through a petition for reconsideration or other means under pertinent rule or statute.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-460, filed 1/3/96, effective 2/3/96; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-460, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-460, filed 10/12/89, effective 11/12/89.]

WAC 480-09-465 Alternate dispute resolution. The commission supports parties' efforts to resolve disputes without the need for litigation when doing so is lawful and consistent with the public interest. Alternate dispute resolution (ADR) includes any mechanism to resolve disagreement without hearings or litigation.

(1) The commission will not delegate to parties the power to make final decisions, but will retain the authority to approve any proposed settlement or agreement.

(2) Parties to a dispute or disagreement on a matter that is under the commission's jurisdiction may agree to negotiate with any other parties at any time without commission oversight. The commission may direct parties to meet or consult under WAC 480-09-466(1) and may establish a collaborative process under WAC 480-09-467. The commission encourages parties to use and experiment with other forms of ADR subject to the commission's approval.

(3) The decision to engage in negotiation or collaboration is the voluntary decision of each participant.

(4) In any negotiation, the following apply unless all participants agree otherwise:

(a) The parties are encouraged as their first joint act to consider the elements of the commission's guidelines for negotiations and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement shall be admissible in evidence in any formal hearing before the commission;

(c) Parties may agree that information be treated as confidential to the extent provided in a commission protective order patterned after the order entered in the matter of Electric Lightwave, Inc., Docket No. UT-901029;

(d) Participants should advise each other, any mediator or facilitator, and the commission, if the negotiation is sanctioned by the commission, if the negotiation is without substantial prospects of resolving the issue or issues under negotiation.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-465, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-465, filed 10/12/89, effective 11/12/89.]

WAC 480-09-466 Settlement conference. (1) In furtherance of a voluntary settlement of any dispute within the commission's jurisdiction, the commission may, in its discretion, invite or direct the parties to confer among themselves or with a designated person. Settlement conferences shall be informal and without prejudice to the rights of the parties. Any resulting settlement or stipulation shall be stated on the record of the conference or submitted to the commission in writing and is subject to approval by the commission.

(2) Settlements. An agreement among the parties to a proceeding to resolve one or more issues is a settlement.

(a) Any proposed settlement may be accepted by the commission for its review in the commission's discretion. If the commission accepts a settlement for review in an adjudication, the commission will schedule a time at a hearing session for parties to present the settlement and the commissioners to inquire into it, unless the commission believes such a session to be unnecessary for it to exercise informed judgment upon the proposal.

(b) Partial settlement. An agreement of all parties on some issues may be presented as a partial settlement for commission review and remaining matters may be litigated.

(c) Multiparty settlement. An agreement of some but not all parties on one or more issues may be offered as their position in the proceeding, with the evidentiary proof that they believe appropriate to support it, for commission review. Nonsettling parties may offer evidence and argument in opposition.

(d) Parties shall advise the commission when they have reached a partial or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement. The commission will determine the appropriate procedure.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-466, filed 1/3/96, effective 2/3/96.]

WAC 480-09-467 Collaboratives. (1) A collaborative is a negotiation sanctioned by the commission in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues assigned to or identified by the collaborative participants. Membership in the collaborative shall reflect the interests reasonably expected to be substantially affected by the result of the collaborative.

(2) In a collaborative, participants shall address procedural guidelines for negotiations that the commission has set out in a policy statement. Communication between the commission and the collaborative participants may be made through the commission secretary. Changes in the orientation or membership of the collaborative, the issues it will address, or similar matters, may be made with commission knowledge and consent by letter from the secretary or by other means with the agreement of collaborative participants and the commission.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-467, filed 1/3/96, effective 2/3/96.]

WAC 480-09-470 Stipulation as to facts. A stipulation is an agreement among parties as to one or more operative facts in a proceeding. Stipulations of fact are encouraged. The parties to any proceeding or investigation before the commission may, by stipulation in writing filed with the commission or entered orally into the record, agree upon the facts or any portion thereof involved in the controversy. This stipulation, if accepted by the commission, shall be binding upon the parties thereto and may be used by the commission as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the stipulation.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-470, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-470, filed 10/12/89, effective 11/12/89.]

WAC 480-09-475 Subpoenas. General. Subpoenas may be issued by a commissioner, an administrative law judge, or the attorney of any party to the proceeding. Witnesses are required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses shall be paid in the same manner as provided in RCW 34.05.446(7). Each subpoena shall bear the name of the party requesting or issuing the subpoena and the party responsible for paying the witness fees.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-475, filed 10/12/89, effective 11/12/89.]

WAC 480-09-480 Methods for obtaining data in adjudicative proceedings. (1) 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) 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, a low-level

radioactive waste disposal site, 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.

(3) 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 subsection (6)(a)(vi) 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 subsection (6)(b) of this section.

(4) 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.

(5) 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.

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

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

(i) In the absence of a different determination at a prehearing conference or agreement by the affected parties, requesting parties shall group data requests by subject or witness; and shall group requests into packages of reasonable numbers; shall present groups of more than five pages of requests or answers in an electronic format agreed by the

parties when the presenting party has the capability of doing so or shall make no more than one request per page. A person believing the meaning or scope of a request to be unclear shall initiate a clarification call to the requesting party.

(ii) Each request or group of requests shall be signed by counsel for the requesting party. The signature constitutes a certification that the request complies with the standards of CR 26(g) and that no request made therein substantially duplicates a request previously made by the requesting party to the same party in the same proceeding, unless the duplication is reasonably necessary and the reason for duplication is clearly stated. Voluntary coordination of requests among parties of similar interests is encouraged. For good cause, limitation may be established at a prehearing conference as to the number of data requests that may be submitted without a certification that the submitting party has coordinated with other parties of similar interest and no substantial duplication exists with other parties' submissions.

(iii) 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. The commission encourages parties to agree to exchange data in electronic format on diskette or via modem, e-mail, internet, bulletin board, or other electronic means that is mutually acceptable. Such electronic exchange may enhance efforts to coordinate discovery and to prevent duplications. 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.

(iv) 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.

(v) 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 pre-distributed exhibits. Objections to data requests shall be presented to the requesting party no later than the time responses are due.

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.

(vi) 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 may 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 unless the parties and the commission agree to another venue. 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 subsection (6)(a)(vi) 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 pre-distributed 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.

(7) Procedure for resolving disputes. Disputes arising from use of the procedures in this section may be raised at a prehearing conference. At the option of the aggrieved party, disputes may be brought on by motion and 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 records or by written order. Discovery rulings are subject to review under WAC 480-09-760.

Motions shall be timely filed. Responses to a 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.

Alternate dispute resolution for discovery disputes. At the request or with the consent of the disputants, the commission may assign a commissioner, a member of the commission advisory staff or another person to assist the parties in resolving the issue. If the designated person finds that the parties fail to agree, the commission will allow each party no less than one nor more than five days to present brief simultaneous written statements of position and will resolve the dispute upon the written statements by letter of the secretary.

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, or a letter from the secretary resolving such a dispute, the commission may impose sanctions including but not limited to dismissal,

striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-480, filed 1/3/96, effective 2/3/96; 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 480-09-510 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the commission shall use emergency adjudicative proceedings to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in situations

involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations shall include:

- (a) Failure to possess insurance;
- (b) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare; and
- (c) Violations of law, rule, or order related to public safety, when the violation involves an immediate danger to the public health, safety, or welfare.

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

(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 480-09-120.

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

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

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

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

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

proceeding will be converted to a formal adjudicative proceeding.

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

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

WAC 480-09-600 Conversion of proceedings. (1) Upon application by any person or upon its own motion, the commission shall consider whether the conversion of a proceeding pursuant to RCW 34.05.070 should be made.

(2) Commencement of the new proceeding shall be determined to be the time of commencement of the original proceeding, provided that all statutory and regulatory requirements for the new proceeding shall be met.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-600, filed 10/12/89, effective 11/12/89.]

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

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

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

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

WAC 480-09-620 Joint hearings. General. In any proceeding in which the commission participates jointly with the Interstate Commerce Commission or other federal regulatory agency, the rules of practice and procedure of the federal agency shall govern. In any proceeding in which the commission participates jointly with the administrative body of another state or states, the rules of the state in which the hearing is held shall govern the proceeding, unless otherwise agreed upon by the participating agencies: *Provided*, That any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-620, filed 10/12/89, effective 11/12/89.]

WAC 480-09-700 Hearings—Notice and failure to appear. (1) Notice.

(a) Initial hearing notice. The time and place of hearings will be set by the commission and notice thereof served upon all parties at least twenty days in advance of the initial hearing date, unless the commission finds that good cause exists for the hearing to be held upon shorter notice. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. The time and place of continued hearing sessions may also be set:

(i) Upon the record without further written notice to the parties; or

(ii) By letter from the secretary of the commission; or

(iii) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear - default - dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the presiding officer may recess the hearing for a brief period to enable the party to attend the hearing, but if at the time set for the resumption of the hearing the party is not present or represented, the commission may dismiss the party or find the party in default.

(b) Default shall be implemented by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) Dismissal shall be implemented by a dismissal provision in the order disposing of the issues in the proceeding. Dismissal may be contested by the filing of a petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration. The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control of operating authority, a protestant to such an application, or an applicant for a rate change under WAC 480-12-295 shall appear at any scheduled hearing pursuant to this chapter unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

(1997 Ed.)

[Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-700, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-700, filed 10/12/89, effective 11/12/89.]

WAC 480-09-705 Notice to limited-English-speaking parties. When the commission has knowledge that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuances, and dismissals, shall either be in the primary language of the party or shall include a notice in the primary language of the party that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-705, filed 10/12/89, effective 11/12/89.]

WAC 480-09-710 Appearance and practice before commission. (1) General. In all proceedings in which pleadings are filed and a hearing is held involving the taking of testimony on a record subject to review by the courts, the following persons may appear in a representative capacity:

(a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(b) Attorneys at law duly qualified and entitled to practice before the highest court of any other state;

(c) Persons not attorneys at law who have been duly authorized to practice before the Interstate Commerce Commission;

(d) Upon permission of the presiding officer at such hearing, an officer or employee of a party or person seeking party status;

(e) Legal interns admitted to limited practice under Rule 9 of the Supreme Court's Admission to Practice Rules. However, no legal intern may appear without the presence of a supervising lawyer unless the legal intern has attended at least ten commission hearing sessions with the presence of a supervising lawyer.

The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) Notices of appearance and withdrawal of attorneys. Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding shall immediately so notify the commission and all parties to the proceeding.

(3) Unethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to these standards, the commission may decline to permit the person to appear in a representative capacity in any proceeding before the commission.

(4) Former employees. Former employees of the commission, office of administrative hearings, and office of the attorney general are subject to the provisions of chapter 42.18 RCW.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-710, filed 10/12/89, effective 11/12/89.]

WAC 480-09-720 Appearances—Party status. (1) General. Parties shall enter their appearances at the begin-

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ning 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 480-09-730 Conduct at hearings. (1) No smoking. Smoking shall not be permitted at hearings of the commission.

(2) Testimony under oath. Before a witness takes the stand in an adjudicative proceeding held under chapter 34.05 RCW, an oath or affirmation shall be administered as follows: The person who swears or affirms holds up his or her hand, while the person administering the oath or affirmation thus addresses him or her: "Do you solemnly swear or affirm that the evidence you shall give in the matter now pending before the commission shall be the truth, the whole truth and nothing but the truth, so help you God?"

[Statutory Authority: RCW 80.01.040, 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-730, filed 10/12/89, effective 11/12/89.]

WAC 480-09-735 Order of procedure. (1) General. Evidence will ordinarily be received in the following order:

- (a) Upon investigation on motion of the commission:
 - (i) Commission's staff;
 - (ii) Respondent; and
 - (iii) Rebuttal by commission's staff.
- (b) In investigation and suspension proceedings:
 - (i) Respondent;
 - (ii) Commission's staff;
 - (iii) Protestants against suspended schedules; and
 - (iv) Rebuttal by respondent.
- (c) Upon applications and petitions:
 - (i) Applicants or petitioners;
 - (ii) Protestants;
 - (iii) Commission's staff; and
 - (iv) Rebuttal by applicant or petitioner.
- (d) Upon formal complaints:
 - (i) Complainant;
 - (ii) Respondent;
 - (iii) Commission's staff; and
 - (iv) Rebuttal by complainant.
- (e) Upon order to show cause:
 - (i) Commission's staff;
 - (ii) Respondent; and
 - (iii) Rebuttal by commission's staff.
- (f) In docket hearings: At the discretion of presiding officer.

(2) Modification of procedure. The order of presentation prescribed above for hearings shall be followed, except when the presiding officer directs otherwise. When hearing several proceedings upon a consolidated record, the presiding officer shall designate who shall open and close. Intervenor shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: *Provided*, That the presiding officer may direct a different order to suit the convenience of the parties.

[Statutory Authority: RCW 80.01.040, 92-18-081 (Order R-376, Docket No. 920379), § 480-09-735, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-735, 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 redistribution of evidence is required, each party shall file twenty copies of its evidence with the commission. For redistributed 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-1)	Ex (JQW-3)

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

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects.

(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 480-09-740 Evidence. The presiding officer may receive evidence as provided by RCW 34.05.452. WAC 480-09-745 and 480-09-750 provide guidelines for receipt of evidence in proceedings before the commission.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-740, filed 10/12/89, effective 11/12/89.]

WAC 480-09-745 Exhibits and documentary evidence. (1) Designation of part of document as evidence. When a relevant and material matter offered in evidence by any party is contained in a book, paper, or document which also contains other matter not material or relevant, the party offering the evidence must also designate the portion which is offered. If irrelevant matter would unnecessarily encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding officer so directs, a true copy may be received as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the book, paper or document, and to offer other portions in evidence in like manner.

(2) Official records. An official rule, report, order, record or other document, prepared and issued by any governmental authority, when admissible for any purpose, may be evidenced by a certified copy. When such official records, otherwise admissible, are contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, they may be introduced by reference: *Provided, however,* That proper and definite reference to the record in question is made by the party offering the same. The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) Papers and documents on file with the commission, if otherwise admissible, and whether or not the commission has authority to take official notice of them under WAC 480-09-750(2), may be introduced by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of such a paper or document is offered in evidence, the part offered shall be

clearly designated. The party offering the evidence may be required to provide a copy to the record and to all parties.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection, nor shall such documents be introduced into evidence.

(4) Records in other proceedings. In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copies later at his or her own expense, if and when required by the commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) The presiding officer directs such incorporation.

(5) Objections. Any evidence offered, whether in the form of exhibit, introduced by reference or offered in the form of testimony, shall be subject to appropriate and timely objection.

(6) Copies of exhibits to opposing counsel. When documentary exhibits are offered in evidence, copies must be furnished to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. Whenever practicable, the parties should exchange copies of exhibits before, or at the commencement of, the hearing.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-745, filed 10/12/89, effective 11/12/89.]

WAC 480-09-750 Rules of evidence. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not involving trial by jury, in the courts of the state of Washington.

The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Irrelevant, duplicative, and inadmissible evidence burdens the commission and all parties. To minimize that burden, the presiding officer shall to the extent possible exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not an objection is posed. Parties objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered. The party offering rejected evidence may be permitted to describe briefly for the record its nature and purpose.

(2) Official notice.

(a) Official notice may be taken of:

(i) Any judicially cognizable fact. Examples of judicially cognizable facts are:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion, upon the request of all parties to a proceeding, take official notice of the results of its own inspection of the physical conditions at issue.

(c) Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. Properly authenticated resolutions of the governing bodies of cities, towns, counties, and other municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations may be received in evidence. Recitals of facts contained in resolutions shall not be deemed proof of those facts.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-750, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-750, filed 10/12/89, effective 11/12/89.]

WAC 480-09-751 Witness panels. Upon the request of a party or on its own motion, the commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. Individual cross-examination shall also be allowed upon matters within the witnesses' direct evidence that are not related to the topic or topics addressed by witnesses in a panel.

[Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-751, filed 1/3/96, effective 2/3/96.]

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 proceeding 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 480-09-800 Stay. A party may file with the commission a petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own motion.

[Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-800, filed 9/1/92, effective 10/2/92; 89-21-036

(Order R-310, Docket No. U-89-2966-R), § 480-09-800, 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.]

WAC 480-09-815 Amendment or rescission. Pursuant to RCW 80.04.210 and 81.04.210, the commission may amend or rescind any order or rule which it has made, entered, issued or promulgated, upon notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-815, filed 10/12/89, effective 11/12/89.]

WAC 480-09-820 Rehearing or reopening. (1) Rehearing. A petition for rehearing may be filed with the commission by any person affected by any final order of the commission, pursuant to RCW 80.04.200 and 81.04.200. The commission will grant the petition:

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

(b) To correct defects in the order; or

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

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

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

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

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

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

WAC 480-09-830 Compliance with orders. Any party who is required by commission order to do or refrain from doing any act shall notify the commission, on or before the date upon which compliance is required, whether or not the party has complied. If the order requires a change in rates, the notification shall be accomplished by filing the proper tariffs. The tariffs being filed shall specify the commission's corresponding order number.

[Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-830, filed 10/12/89, effective 11/12/89.]

**Chapter 480-11 WAC
SEPA PROCEDURES**

WAC

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

WAC 480-11-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-010, filed 10/10/84. Formerly chapter 480-10 WAC.]

WAC 480-11-020 Incorporation of chapter 197-11 WAC. The provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology on January 26, 1984) are adopted by the Washington state utilities and transportation commission, and are incorporated into this chapter by this reference, to the extent that the provisions of chapter 197-11 WAC are applicable to the commission.

[Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-020, filed 10/10/84.]

WAC 480-11-030 Designation of responsible official. The responsible official for the commission for matters relating to transportation shall be the assistant administrator for transportation. The responsible official for the commission for matters relating to public utilities shall be the utilities and accounting administrator.

[Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-030, filed 10/10/84.]

**Chapter 480-12 WAC
MOTOR CARRIERS**

WAC

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480-12-295	Tariffs, proposed changes in—How made.	480-12-090	"Off-route points" defined. [Order R-5, § 480-12-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-300	Tariff rules.	480-12-095	"Intermediate points" defined. [Order R-5, § 480-12-095, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-320	Routing of freight.	480-12-096	Seattle commercial zone defined. [Order R-97, § 480-12-096, filed 5/4/77.] Repealed by 82-16-029 (Order R-192, Cause No. TV-1627), filed 7/28/82. Statutory Authority: RCW 80.01.040.
480-12-325	Freight charges paid in any manner other than cash.	480-12-105	Primary agricultural carriers. [Order R-70, § 480-12-105, filed 1/29/75, effective 3/1/75; Order R-24, § 480-12-105, filed 4/16/71; Order R-5, § 480-12-105, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
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480-12-335	Rebating and other violations—Hearing.	480-12-131	Interstate trip permits. [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.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-340	Credit, extension of, by common carriers.	480-12-137	Private carriers. [Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-137, filed 5/4/94 effective 6/4/94.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-12-035	Applications for extensions. [Order R-5, § 480-12-035, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.	480-12-140	Equipment, standby. [Order R-5, § 480-12-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-040	Application for permit—Forwarding, carloading or broker. [Order R-5, § 480-12-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.	480-12-145	Equipment, list of. [Order R-5, § 480-12-145, filed 6/6/69, effective 10/9/69.] Repealed by Order R-21, filed 7/2/70.
480-12-047	Applications for permanent authority, dump truck operations, unprocessed and unmanufactured agricultural commodities, forest products, livestock hauls, and related commodities. [Order R-36, § 480-12-047, filed 4/5/72; Order R-24, § 480-12-047, filed 4/16/71; Order R-22, § 480-12-047, filed 8/6/70.] Repealed by Order R-48, filed 6/13/73.	480-12-155	Equipment—Interchange of. [Order R-5, § 480-12-155, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-055	Hearing on show cause orders. [Order R-5, § 480-12-055, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.	480-12-160	Disabled motor vehicles—Substitution. [Order R-5, § 480-12-160, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-060	Application fees forfeited. [Order R-5, § 480-12-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.	480-12-175	Equipment—Loads above tank. [Order R-5, § 480-12-175, filed 6/6/69, effective 10/9/69.] Repealed by 87-19-088 (Order R-276, Cause No. TV-2092), filed 9/17/87. Statutory Authority: RCW 80.01.040.
480-12-075	Permit phraseology defined. [Order R-5, § 480-12-075, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.	480-12-181	Pole trailers. [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.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
480-12-082	Terminal areas defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-082, filed 7/28/82.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.	480-12-195	Hazardous materials regulations. [Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-195, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-195, filed 2/27/90, effective 3/30/90; 89-06-021
480-12-085	Common or contract carrier may not act as private carrier. [Order R-5, § 480-12-085, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.		

- (Order R-295, Cause No. TV-2225), § 480-12-195, filed 2/23/89; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-195, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 82-12-061 (Order R-186, Cause No. TV-1611), § 480-12-195, filed 6/2/82; 82-05-022 (Order R-181, Cause No. TV-1567), § 480-12-195, filed 2/10/82; 81-19-033 (Order R-175, Cause No. TV-1526), § 480-12-195, filed 9/10/81. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-196 Transportation of radioactive materials—Driving and parking rules. [Statutory Authority: RCW 80.01.040. 86-08-006 (Order R-257, Cause No. TV-1937), § 480-12-196, filed 3/20/86.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-205 Passengers—Carrying prohibited—Exceptions. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-205, filed 9/17/87; Order R-5, § 480-12-205, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-225 Advertising on equipment. [Order R-5, § 480-12-225, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-230 Service, scheduled, discontinuance of. [Order R-5, § 480-12-230, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-233 Agreements for pooling of freight. [Order R-65, § 480-12-233, filed 3/6/74.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-240 Shipments on hand undelivered. [Order R-5, § 480-12-240, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-245 Commissions. [Order R-5, § 480-12-245, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-253 Continuing traffic study instituted—Requirements—Penalties. [Order R-56, § 480-12-253, filed 10/24/73.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-260 Bills of lading. [Statutory Authority: RCW 80.01.040. 94-03-002 (Order R-407, Docket No. TV-931256), § 480-12-260, filed 1/5/94, effective 2/5/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-260, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-260, filed 8/7/80; Order R-5, § 480-12-260, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-305 Billing—Method to be used. [Order R-5, § 480-12-305, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-310 Gross shipment weight. [Order R-5, § 480-12-310, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-315 Tariffs, interstate. [Order R-5, § 480-12-315, filed 6/6/69, effective 10/9/69.] Repealed by 91-06-071 (Order R-337, Docket No. TV-2333), filed 3/5/91, effective 4/5/91. Statutory Authority: RCW 80.01.040.
- 480-12-321 Log road classification—Must have. [Statutory Authority: RCW 80.01.040. 94-03-001 (Order R-405, Docket No. TV-931239), § 480-12-321, filed 1/5/94, effective 2/5/94. Statutory Authority: RCW 80.01.040 and 81.80.220. 91-01-080 (Order R-334, Docket No. TV-2331), § 480-12-321, filed 12/17/90, effective 1/17/91. Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-321, filed 9/17/87; 84-21-120 (Order R-221, Cause No. TV-1816), § 480-12-321, filed 10/24/84.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-322 Log shipments—Intrastate rates—Applicability. [Statutory Authority: RCW 80.01.040. 92-01-051 (Order R-354, Docket No. TV-900714), § 480-12-322, filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040, 81.80.040, 81.80.130, 81.80.290, 81.80.330 and 81.80.370. 83-12-028 (Order R-202, Cause No. TV-1699), § 480-12-322, filed 5/26/83.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-380 Common carrier C.O.D. shipments—Bond required—Handling of shipments. [Order R-5, § 480-12-380, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-390 Waiver of rules. [Order R-5, § 480-12-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.
- 480-12-500 Definitions concerning recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-500, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-510 Application procedures for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-510, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.
- 480-12-520 Reporting requirements for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-520, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

WAC 480-12-001 Supersession of this chapter.
Most intrastate carriers of property for hire have been exempted from state economic regulation by operation of

federal law. The commission has established chapter 480-14 WAC to comply with federal law effective January 1, 1995. Only carriers of household goods and common carrier brokers continue to be regulated under this chapter.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-12-001, filed 11/22/95, effective 12/23/95.]

WAC 480-12-003 Procedure. Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

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

WAC 480-12-005 Communications. (1) Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Secretary, Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

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

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

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

WAC 480-12-010 Rule book must be in main office—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 paid.

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

[Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-015, filed 12/23/87; Order R-43, § 480-12-015, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-015, filed 6/6/69, effective 10/9/69.]

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

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

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

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

WAC 480-12-022 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 480-12-025 Address, change of. A change in the address of the principal place of business of any carrier must immediately be reported to the commission in writing.

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

WAC 480-12-030 Applications.

(1) 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 480-12-031 Petition to amend permit to incorporate commercial zone authority.

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

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

WAC 480-12-033 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 480-12-045 Application for authority, docketing—Protests—Hearings. For the purposes of this rule, applications for authority shall include applications for original or extended common or contract carrier authority, applications to transfer existing common or contract carrier authority or to acquire control of common or contract carrier authority. Applications for temporary authority are governed by WAC 480-12-033.

(1) All applications for authority will be published in the commission's weekly application docket, which is mailed on the first business day of each week: *Provided*, That the following applications shall not be published in the docket and are not subject to protest:

(a) Applications to transfer or acquire existing common or contract carrier authority, to the extent excluded from docketing and protest in WAC 480-12-050(2).

(b) Applications for combination of services contract carrier authority to transport logs, filed under RCW 81.80.060. The commission finds such service to be consistent with the public interest.

(c) Applications for primary haul agricultural authority, filed under RCW 81.80.175. The commission finds such service to be consistent with the public interest.

(d) Applications under WAC 480-12-085 to transport the carrier's own property.

(e) Applications for transportation of recovered materials, pursuant to WAC 480-12-510.

(f) Applications for reinstatement of canceled permits under WAC 480-12-065, if filed within thirty days after cancellation.

(2) The weekly application docket will publish the name and address of the applicant and the name and address of the applicant's attorney or representative, if any, and a description of the authority sought. The docket shall be mailed to

the applicant, and, upon written request to any other person having a valid interest in application proceedings.

(3)(a) Any person having a valid interest adverse to the application may file a protest with the commission. Note: Any eligible person who fails to file a timely protest, in substantial compliance with this section, will be precluded from participating at the hearing or at any further stage of the proceeding.

(b) Protests to applications for temporary authority are governed by WAC 480-12-033.

(c) Protests may be filed on a form provided by the commission, or in a similar format, specifying the grounds for the protest and defining the protestant's interest in the proceeding.

(i) The protest shall identify that portion of the requested authority to which the protestant objects, or that portion of the authority alleged to be inactive in a transfer or acquisition of control proceeding pursuant to RCW 81.80.270.

(ii) When a protestant has a limited interest in an application, which could be eliminated by a restrictive amendment, the protest shall describe the amendment. If the applicant and the commission accept the proposed amendment, then the protest will be dismissed pursuant to subsection (4)(d) of this section. The commission will reject amendments it finds unacceptable.

(iii) Protests shall state the approximate number of witnesses to be presented by the protestant and an estimate of the hearing time required for the presentation.

(iv) Protests must be signed either by the protesting party or by the protestant's attorney or representative. Protests shall contain the name and address of each person on whose behalf the protest is filed, and include that person's permit number, a copy of the permit, and identification of the specific portion or portions of their permit that is the basis for the protest.

(d) Within thirty days following publication of the application in the weekly docket, the protestant must file one original and two copies of the protest with the commission. The protestant must also serve one copy each upon the applicant and the applicant's attorney or representative named in the docket. The protest and each copy must include a certificate of service executed according to WAC 480-09-120.

(e) A protest also may be filed in the name of a transportation industry organization, association, or conference on behalf of its members; such group protest shall specify the group's mailing address. A group protest shall contain a list of all currently active group members and be signed by an authorized representative of the organization, association, or conference. Service upon the protesting group shall be made by serving its contact person and the group's attorney, and need not be made upon any member who does not file a protest in that individual member's own name.

(4)(a) Notice of the time, date, and place of hearing will be served upon all parties pursuant to WAC 480-09-700 (1)(a).

(b) A request by any party for a change in the time, date, or place of an assigned hearing must be made pursuant to WAC 480-09-440, generally at least five days before the assigned hearing date. Notice of a change in the time, date,

or place of hearing will be served upon all parties of record by the commission or the office of administrative hearings, in accordance with WAC 480-09-700 (1)(b).

(c) An application shall be dismissed without further notice if the applicant fails to appear at the hearing or if the applicant appears and fails to present supporting evidence. The order of dismissal may provide that the application may not be refiled for a period of ninety days thereafter. Application fees are not refundable.

(d) By filing a protest, the protestant agrees to appear at the hearing if an oral hearing is held. If an applicant adopts a restrictive amendment that satisfies the interests of a protestant, and the protestant files a withdrawal at least five days prior to the hearing, that protestant need not appear at the hearing. If the commission rejects the proposed amendment, a new notice will issue.

(e) A penalty may be assessed, pursuant to WAC 480-09-700, against any party who fails to appear at the hearing. Failure to appear may also result in dismissal or default, which would include the loss of the right to participate further in the proceeding.

(5) The commission may require a hearing in any proceeding, pursuant to RCW 34.05.413 and WAC 480-09-400.

(a) If the protest period expires without any protest being filed, or if all protests are withdrawn or dismissed, the commission may allow the application to proceed without hearing.

(b) If the application is processed without hearing, the applicant shall, upon request, submit verified statements of its witnesses, containing the facts to which the witnesses would testify at a hearing if one were held. If no verified statements are submitted, the application shall be dismissed.

(c) An application may be denied, or it may be granted in part or in full, based upon the sufficiency of the statements presented. The applicant may request a review of full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

[Statutory Authority: RCW 80.01.040, 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-045, filed 5/5/94, effective 6/5/94; 90-17-049 (Order R-325, Docket No. TV-900022), § 480-12-045, filed 8/10/90, effective 9/10/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-045, filed 9/17/87; Order R-70, § 480-12-045, filed 1/29/75, effective 3/1/75; Order R-48, § 480-12-045, filed 6/13/73; Order R-36, § 480-12-045, filed 4/5/72; Order R-24, § 480-12-045, filed 4/16/71; Order R-5, § 480-12-045, filed 6/6/69, effective 10/9/69.]

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

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

(a) Transfers authorized by the proviso of RCW 81.80.270 and transfers authorized by RCW 81.80.272.

(b) A transfer by an individual to a corporation established to incorporate the transferor's business, when the transferor is the majority stockholder, or by an individual to a partnership, when the transferor is the majority partner, or a transfer by a corporation to the majority shareholder or by a partnership to the majority partner, unless the acquisition of majority interest has not otherwise been approved upon application.

(c) A transfer by a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders.

(d) A transfer by a corporation to another corporation where both corporations are wholly owned by the same stockholders.

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

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

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

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

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

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

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

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

(6) This subsection governs the transfer of Washington intrastate authority by the Interstate Commerce Commission under its authority to preempt intrastate regulatory authority while effecting transfers of interstate authority. For the purposes of this subsection, the term application means transfer or acquisition of control of Washington intrastate authority.

(a) Any person who applies to the Interstate Commerce Commission for preemptive transfer of Washington intrastate

motor carrier authority as part of an interstate transaction shall file an application with the Washington utilities and transportation commission for implementation of the intrastate transfer, within five business days after submitting the ICC application. The Washington application shall be on the form for transfers supplied by the commission and shall be accompanied by the required fee.

(b) In addition to information required of all applicants for transfer, an applicant for ICC-exempted transfer shall submit a copy of the application that it submitted to the ICC. The applicant shall also file with the commission a copy of every document, order, or other correspondence to or from the ICC that is relevant to the proposed intrastate transfer, within five days after sending or receiving the document.

(c) The application for preemptive transfer shall be docketed for informational purposes but is not subject to intrastate protest. The commission may express its view of the proposal directly to the Interstate Commerce Commission.

(d) As soon as administratively feasible following receipt of proof of ICC action approving the transaction and preempting transfer of intrastate motor carrier authority, the commission will enter an order in the intrastate proceeding to transfer such intrastate authority as required by the Interstate Commerce Commission under its preemptive authority and to adjust any retained authority as necessary to reflect the transfer. The commission may require an applicant to submit a copy of the ICC action that is certified by an authorized official of the Interstate Commerce Commission to be a true and correct copy of that commission's action.

(e) A party to a preemptive transfer proceeding who is aggrieved by a commission action in a preempted transfer may request review of the decision in an adjudication or in a brief adjudication under WAC 480-09-500.

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

[Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-050, filed 5/5/94, effective 6/5/94; 86-12-029 (Order R-260, Cause No. TV-1963), § 480-12-050, filed 5/29/86; Order R-24, § 480-12-050, filed 4/16/71; Order R-5, § 480-12-050, filed 6/6/69, effective 10/9/69.]

WAC 480-12-065 Permits, canceled—New application. Where a permit is canceled by the commission for cause, and which cause is not the fault of the permittee, he may secure a new permit in less than 30 days, providing he shall have filed a new application within 30 days after date of cancellation. Such new application must be accompanied by application fee only. If not filed within 30 days, then application shall be considered in all respects as a new application and accompanied by full fees.

[Order R-5, § 480-12-065, filed 6/6/69, effective 10/9/69.]

WAC 480-12-070 Permit rights defined—Classification of carriers. Rights contained in permits shall be defined and construed, and carriers classified according to WAC 480-12-990. Where specific territory or areas in

permits are designated by geographical names, these shall have the meanings stated in Appendix "A" for all permits. Example: When the term southwest Washington is used it shall mean the said specified counties or portions thereof as listed in Appendix "A."

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

WAC 480-12-080 "Local cartage" defined, and restrictions. (1) Except as provided in subsection (3) hereof, no permit authorizing service to a county or section of the state shall authorize motor carrier service wholly within the corporate limits of incorporated cities therein having 10,000 population or over unless operations within such cities have been exempted from regulation by order of the commission. Authority to perform local cartage service in the regulated cities hereinafter enumerated must be obtained separately in the usual manner and must be specifically identified in the permit. Cities having a population of 10,000 or over and regulated by the commission are: Seattle, Tacoma, Spokane, Aberdeen, Bellevue, Bellingham, Bremerton, Everett, Hoquiam, Longview, Olympia, Port Angeles, Puyallup, Renton, Vancouver, Walla Walla, Wenatchee, Yakima, Moses Lake, Pullman, Pasco, Kennewick and Richland. Cities having a population of 10,000 or more but less than 30,000 which shall be exempt from regulation except upon further general order of the commission are: By General Order M. V. No. 178, dated March 3, 1965, Edmonds, Mountlake Terrace, Mercer Island (city), Kent and Auburn, and by General Order M. V. No. 199, dated April 17, 1968, Ellensburg.

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

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

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

(5) The scope of "local cartage" permit authority in corporate cities of 10,000 population or over, and contiguous city, if any, shall include such adjacent metropolitan areas as are defined in the commission's Tariffs No. 1-A, 2-A, 3-A or 12, as the case may be, effective before September 6, 1960, except as individual permits may otherwise provide. Future definitions of the scope of "local cartage" permit authority in such adjacent metropolitan areas shall not be by commission tariffs but only by general order of the commission.

[Order R-66, § 480-12-080, filed 5/8/74; Order R-5, § 480-12-080, filed 6/6/69, effective 10/9/69.]

WAC 480-12-081 Commercial zones defined. (1)

The commercial zone restrictions apply to the transportation of intrastate general freight from a point within a commercial zone to another point within the same commercial zone, as long as the freight is not a part of a continuous shipment to or from a point beyond the commercial zone. All commercial zone carriers are subject to chapter 81.80 RCW, chapter 480-12 WAC and the adopted Federal Motor Carrier Safety Regulations. With the exceptions of those commercial zones individually defined, commercial zones include all points within the following defined areas:

(a) The municipality itself, hereinafter called the base municipality;

(b) All municipalities which are contiguous to the base municipality;

(c) All other municipalities and all unincorporated areas within the state of Washington which are adjacent to the base municipality as follows:

(i) When the base municipality has a population of ten thousand or more but less than twenty-five thousand all unincorporated areas within four miles of its corporate limits and all of any other municipality any part of which is within four miles of the corporate limits of the base municipality: *Provided, however,* That no such municipality is exempted by RCW 81.80.040(2).

(ii) When the base municipality has a population of twenty-five thousand but less than one hundred thousand all unincorporated areas within six miles of its corporate limits and all of any other municipality any part of which is within six miles of the corporate limits of the base municipality: *Provided, however,* That no such municipality is exempted by RCW 81.80.040(2).

(iii) When the base municipality has a population of one hundred thousand but less than two hundred thousand all unincorporated areas within eight miles of its corporate limits and all of any other municipality any part of which is within eight miles of the corporate limits of the base municipality.

(iv) When the base municipality has a population of two hundred thousand or more all unincorporated areas within ten miles of its corporate limits and all of any other municipality any part of which is within ten miles of the corporate limits of the base municipality.

(d) All municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of (c) of this subsection.

(2) The commercial zone of Seattle includes all points within the following defined areas:

(a) The municipality of Seattle itself;

(b) All points within a line drawn fifteen miles beyond the municipal limits of Seattle;

(c) Those points in King County which are not within the area described in (b) of this subsection and which are west of a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction of Washington Highway 203, thence northerly along Washington Highway 203 to the

King County line; and those points in Snohomish County, which are not within the area described in (b) of this subsection and which are west of Washington Highway 9; and those points in Kitsap County which are not within the area described in (b) of this subsection lying within the area bounded by a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in (b) of this subsection;

(d) All on any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this subsection.

(3) The commercial zone of Spokane includes all points within the following defined area:

(a) The municipality of Spokane itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Spokane;

(c) All points within that area more than eight miles beyond the municipal limits of Spokane bounded by a line as follows: From the intersection of the line described in (b) of this subsection and U.S. Highway 2, thence westerly along U.S. Highway 2 to junction of Brooks Road, thence southerly along Brooks Road to junction of Hallett Road, thence easterly along Hallett Road to its intersection with the line described in (b) of this subsection;

(d) All of any municipality any part of which is within the limits of the combined areas in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded by the municipality of Spokane or any other municipality included under the terms of (d) of this subsection.

(4) The commercial zone of Tacoma includes all points within the following defined area:

(a) The municipality of Tacoma itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Tacoma;

(c) Those points in Pierce County which are not within the area described in (b) of this subsection, but which are on Washington Highway 162 beginning at its intersection with the line described in (b) of this subsection, extending to and including Orting and all points within the Orting commercial zone;

(d) All of any municipality any part of which is within the limits of the combined area defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Tacoma or any other municipality included under the terms of (d) of this subsection.

(5) For the purposes of this section, the population of a municipality shall be computed on the highest decennial census since, and including, the 1980 decennial census.

(6) For the purposes of this section, the distances shall be computed according to air miles.

[Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-081, filed 7/28/82.]

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 May 16, 1994.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(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. 94-14-014 (Order R-420, Docket No. T-940457), § 480-12-083, filed 6/23/94, effective 7/24/94; 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 480-12-084 Federal Regulations, 49 C.F.R., Part 390—Adoption by reference.

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

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

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

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

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

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

WAC 480-12-100 Forwarders and brokers.

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

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

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

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

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

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

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

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

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

The undersigned has (have) performed services as freight forwarder claiming exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], in the year, beginning in the month of There was no intent to perform such services for a profit, and no profit was in fact made.

.....
(Signature of forwarders)

Subscribed and sworn to before me this day of, 19. . .

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

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

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

[Order R-5, § 480-12-115, filed 6/6/69, effective 10/9/69.]

WAC 480-12-120 Permits, location of. Permits must be kept at the main office of the carrier except when required to be transmitted to the commission for revision, amendment or cancellation.

[Order R-5, § 480-12-120, filed 6/6/69, effective 10/9/69.]

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

The commission may waive the requirements of this rule for good cause shown.

[Order R-34, § 480-12-121, filed 12/8/71.]

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

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

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

WAC 480-12-126 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 480-12-135 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 480-12-165 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the standards set forth in this rule, or is not being operated in compliance with state laws in regard to equipment or method.

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

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

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

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

WAC 480-12-170 Equipment of carrier suspended.

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

(2) Where a carrier, whose permit has been suspended, desires to lease his equipment during the suspension period, he shall make application to and secure the approval of the commission.

[Order R-5, § 480-12-170, filed 6/6/69, effective 10/9/69.]

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

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and

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

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

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

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

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

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

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

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

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

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

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

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the

load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

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

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

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

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

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

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

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

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

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

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

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

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

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

(i) Excessively worn links on chains;

(ii) Deformed or stretched chain links;

(iii) Cracked chain links;

(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

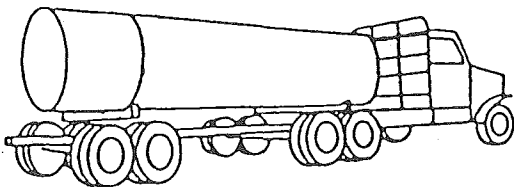
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

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

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

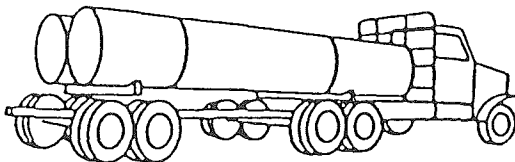
PLACEMENT AND NUMBER OF WRAPPERS

One log load



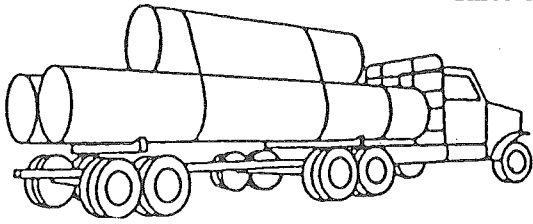
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



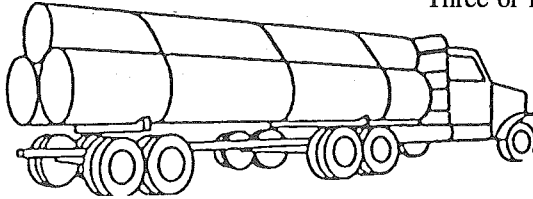
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



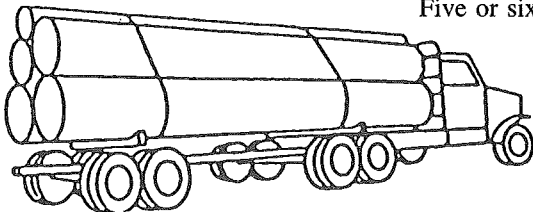
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



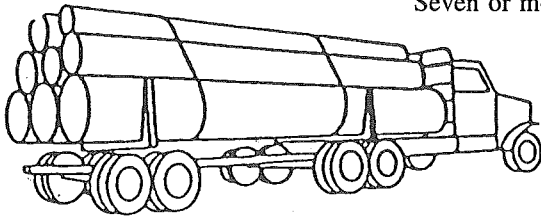
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



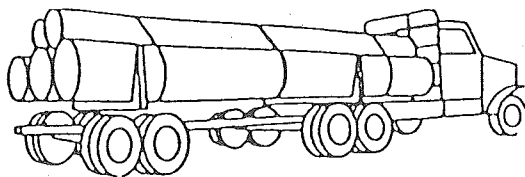
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



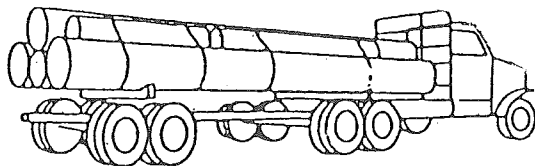
A minimum of two wrappers required.

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



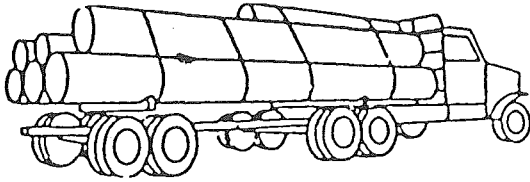
A minimum of three wrappers required.

Outside logs or top logs



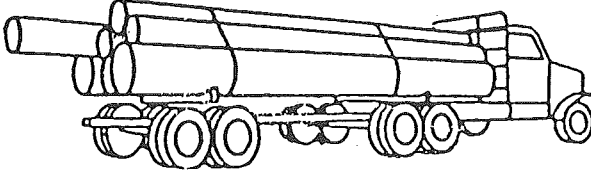
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



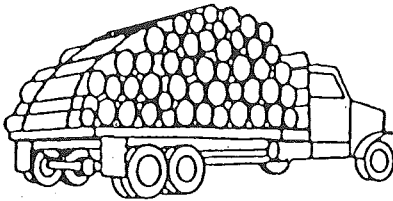
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



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

Short logs loaded crosswise



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

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

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

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

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

(6) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383 and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all common, contract, private, registered, and registered exempt carriers operating under chapter 81.80 RCW except carriers operating exclusively in intrastate commerce:

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

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

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

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

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

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

(7) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance

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

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

[Statutory Authority: RCW 80.01.040, 94-14-013 (Order R-421, Docket No. T-940589), § 480-12-180, filed 6/23/94, effective 7/24/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-180, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-180, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-180, filed 2/23/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-180, filed 12/23/87; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-180, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-180, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211, and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-180, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-180, filed 1/7/81. Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290. 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.]

WAC 480-12-185 Equipment, lawful operation of.

(1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated by him.

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

[Order R-5, § 480-12-185, filed 6/6/69, effective 10/9/69.]

WAC 480-12-190 Hours of service—On duty—Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 are adopted and prescribed by the commission to be observed by all common, contract, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

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

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

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

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

[Statutory Authority: RCW 80.01.040, 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-190, filed 5/5/94, effective 6/5/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-190, filed 12/18/91, effective 1/18/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-190, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-12-190, filed 11/7/85. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-190, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.]

WAC 480-12-200 Accidents, reporting of. (1)

Accidents occurring in this state arising from or in connection with the operation of a motor vehicle by any common, contract, or registered carrier in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-306-586-1119.

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

[Statutory Authority: RCW 80.01.040, 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-200, filed 9/17/87. Statutory Authority: RCW 81.28.280, 81.28.290 and 81.80.130. 80-01-071 (Order R-138, Cause No. TV-1288), § 480-12-200, filed 12/24/79; Order R-5, § 480-12-200, filed 6/6/69, effective 10/9/69.]

WAC 480-12-210 Leasing. Other than equipment exchanged between motor common carriers in interchange service, as provided in WAC 480-12-155, common or contract carriers may perform common or contract transportation in or with equipment which they do not own only in accordance with this leasing rule. The arrangement for such equipment shall contain the provisions provided for in this

rule and be prepared in the manner so provided, and the parties to the lease shall observe such provisions and manner of preparation. Any failure to so observe the provisions of the lease and/or the manner of preparation shall be a violation of this rule.

(1) Contract requirements.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Identification.

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

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

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

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

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

(b) Common or contract carriers shall not rent, contract or lease, or by other arrangement furnish, equipment without

drivers to private carriers or shippers without first having obtained approval of the rental contract from this commission and, in this connection, the commission will examine the terms of the rental agreement and all facts and circumstances surrounding it to determine the effect of the lease insofar as established rates and operating authority is concerned.

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

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-12-215 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a for-hire transportation service and the commission shall institute proceedings to determine if the lessor should be classified as a common or contract carrier under the provisions of chapter 81.80 RCW and/or RCW 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the Transportation Act, chapter 81.80 RCW, or the rules and regulations of the commission promulgated thereunder, or the applicable lawful tariffs, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.04.510.

[Statutory Authority: RCW 80.01.040 and 81.80.290, 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-215, filed 9/9/81; Order R-5, § 480-12-215, filed 6/6/69, effective 10/9/69.]

WAC 480-12-220 Unfair or destructive competitive practices by carrier operating under permit. (1) Every

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

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

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

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

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

(4) No common or contract carrier shall, by advertisement or other representation, hold itself out to the public as charging or collecting a smaller or different remuneration for the transportation of property than the rates and charges which have been legally established by the commission.

[Order R-5, § 480-12-220, filed 6/6/69, effective 10/9/69.]

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

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

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

(4) A claim record must be maintained by every carrier for a period of not less than six years and all papers relating

to a particular claim properly filed therein, subject to inspection by authorized representatives of the commission.

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

WAC 480-12-250 Accounts—Uniform system adopted—Reports. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers 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 480-12-255 Contracts. (1) Contracts between contract carriers and their shippers shall be terminable within the period for which they are written only in the manner provided in the contract and upon not less than five days notice to the commission and each contracting party, and every such contract shall so provide.

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

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

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

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

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

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

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

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

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

WAC 480-12-265 Tariffs. Tariffs, other than those issued by the commission, shall be compiled in accordance with the commission's rules and regulations governing the construction and filing of tariffs by common carriers subject to its jurisdiction, which are contained in commission tariff circulars and supplements thereto or reissues thereof.

[Order R-5, § 480-12-265, filed 6/6/69, effective 10/9/69.]

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

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

(3) Copies of all such tariffs shall be transmitted to the commission with a letter of transmittal in duplicate, so that the commission may stamp receiving date on copy and return to the carrier filing the same. All communications shall be addressed: Utilities and Transportation Commission, Olympia, Washington.

[Order R-5, § 480-12-270, filed 6/6/69, effective 10/9/69.]

WAC 480-12-275 Freight classifications. Carrier shall adopt and follow such freight classifications as the commission shall prescribe by order from time to time, and which will be referred to on the title pages of all tariffs issued by the commission.

[Order R-5, § 480-12-275, filed 6/6/69, effective 10/9/69.]

WAC 480-12-280 Tariffs, must have. (1) Every common carrier shall keep copies of commission's tariffs, or other tariffs issued in compliance with the law and the rules and regulations of the commission, naming rates to be charged, together with governing rules and regulations, subject to public inspection at its main office and at all

billing stations operated for the receiving of freight on its route.

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

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

(4) Permits of common carriers who fail to purchase and post applicable tariffs in conformance with the provisions of the Public Service Laws, and the orders and rules of the commission shall be subject to cancellation.

[Order R-5, § 480-12-280, filed 6/6/69, effective 10/9/69.]

WAC 480-12-285 Tariffs, distribution and 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 480-12-290 Rules of distribution. (1) All carriers subject to the act shall post applicable state tariffs in their principal office and in every billing office, and such tariff shall be kept open to public inspection according to the requirements of law.

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

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

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

(5) Common carriers may NOT purchase tariffs for shippers.

[Order R-5, § 480-12-290, filed 6/6/69, effective 10/9/69.]

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

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

(2) Proposals must be submitted to the commission not later than the first Monday of each month.

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

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

(5) As soon as possible after the docket hearing is held, the commission shall issue an order stating the disposition

made of each proposal and a copy of this order shall be mailed to all parties who make a written appearance at the hearing.

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

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

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

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

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

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

WAC 480-12-300 Tariff rules. No tariff rule may become effective that is contrary in principal to the policy laid down in these general rules and regulations. Any such rule now contained in a tariff issued by the commission or filed with the commission by any motor vehicle common carrier that conflicts with the general policy set forth in these general rules and regulations shall be changed to conform to this policy not later than the next regular docket hearing after the effective date of these general rules and regulations.

[Order R-5, § 480-12-300, filed 6/6/69, effective 10/9/69.]

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

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

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

(3) It shall be a violation of the laws of the state of Washington and the rules of the commission for any interstate carrier to divert an intrastate freight movement into an interstate movement, either directly or indirectly, and such action shall be in violation of the rights as granted authorizing the use of the highways of the state of Washington for movement of freight in interstate commerce.

[Order R-5, § 480-12-320, filed 6/6/69, effective 10/9/69.]

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

[Order R-5, § 480-12-325, filed 6/6/69, effective 10/9/69.]

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

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

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

(4) A quantity shipment carrying a lower rate may be split between carriers, provided the carrier accepting the shipment from shipper shall pay the part-lot carrier the tariff rate applying on the quantity hauled by such part-lot carrier.

[Order R-5, § 480-12-330, filed 6/6/69, effective 10/9/69.]

WAC 480-12-335 Rebating and other violations—Hearing. Whenever the commission cites a carrier for rebating or any other violation of RCW 81.80.230, there shall be a hearing and the shipper or the consignee or both, who are involved in the transaction, shall be subpoenaed to appear at the hearing and explain their position and subject themselves to cross-examination.

[Order R-5, § 480-12-335, filed 6/6/69, effective 10/9/69.]

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

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of

the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of fifteen days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12:00 midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12:00 midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of thirty calendar days to be computed from the first 12:00 midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within seven calendar days from the first 12:00 midnight following delivery of the freight.

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

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

(7) Carriers engaged in garbage, refuse or debris collection, transportation of recyclable materials in commercial drop box or container service, carriers engaged in small package delivery, or in the transportation of dump truck commodities may present monthly bills; carriers of logs and carriers of household goods shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within seven calendar days from the first 12:00 midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of thirty calendar days, to be computed from the first 12:00 midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intrastate transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to

reverse the charge transaction and charge payments back to the carrier's account.

[Statutory Authority: RCW 80.01.040, 90-23-083 (Order R-330, Docket No. TV-900169), § 480-12-340, filed 11/20/90, effective 12/21/90; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-340, filed 6/27/86; 81-19-028 (Order R-174, Cause No. TV-1501), § 480-12-340, filed 9/9/81. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290, 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-340, filed 8/27/80; Order R-5, § 480-12-340, filed 6/6/69, effective 10/9/69.]

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

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

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

(4) If charges are not paid when due, no further service shall be performed by a carrier for such person until the said delinquent charges have been fully collected.

[Order R-5, § 480-12-345, filed 6/6/69, effective 10/9/69.]

WAC 480-12-350 Insurance. Within ten days after the date an applicant is notified 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 defined in 49 CFR 171.8 and	1,000,000

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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

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 480-12-355 Insurance, continuance of. Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

[Order R-5, § 480-12-355, filed 6/6/69, effective 10/9/69.]

WAC 480-12-360 Insurance endorsement. All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

[Order R-5, § 480-12-360, filed 6/6/69, effective 10/9/69.]

WAC 480-12-365 Insurance termination. All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty

days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, and said thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

[Statutory Authority: RCW 80.01.040, 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-365, filed 12/5/86; Order R-5, § 480-12-365, filed 6/6/69, effective 10/9/69.]

WAC 480-12-370 Insurance, carrier shall not misrepresent. No common carrier shall advertise or represent to the public that he is an "insured carrier" unless his equipment is covered by property damage, public liability and cargo insurance.

[Order R-5, § 480-12-370, filed 6/6/69, effective 10/9/69.]

WAC 480-12-375 Bond required—Broker—Forwarder. (1) Each intrastate broker or forwarder and each interstate broker or forwarder shall file with the commission, and keep in effect, a surety bond, or deposit satisfactory security in the amount of ten thousand dollars conditioned upon such broker or forwarder making compensation to shippers, consignees and carriers for all moneys belonging to them and coming into the broker's or forwarder's possession in connection with such transportation service.

(2) It is unlawful for an interstate broker or forwarder to conduct business as such in this state without first securing appropriate authority from the Interstate Commerce Commission, if such authority is required, and registering with the Washington utilities and transportation commission. The commission shall grant such registration without hearing upon filing a uniform application for registration of operating authority issued by the ICC and payment of a one-time registration fee of twenty-five dollars.

(3) Failure to file such bond or deposit such security is sufficient cause for refusal of the commission to grant the application for a permit or registration. Failure to maintain the bond or the deposit of security is sufficient cause for cancellation of a permit or registration.

(4) For the purposes of this section, "intrastate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in intrastate commerce. "Interstate broker or forwarder" means a person who provides brokering or forwarding services for the transportation of property in interstate commerce when such person, its employees, or agents are physically present in the state.

[Statutory Authority: RCW 80.01.040 and 1991 c 146, 92-09-014 (Order R-372, Docket No. TV-911218), § 480-12-375, filed 4/2/92, effective 5/3/92; Order R-5, § 480-12-375, filed 6/6/69, effective 10/9/69.]

WAC 480-12-385 Inactive status of permits during military service. Whenever the holder of a common or

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

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

No fee shall be charged by the commission for an application for inactive status or an application for reinstatement.

[Order R-5, § 480-12-385, filed 6/6/69, effective 10/9/69.]

WAC 480-12-395 Rules—How changed. No rule contained in this book of rules and regulations can be changed, altered or revised except by general order of the commission.

[Order R-5, § 480-12-395, filed 6/6/69, effective 10/9/69.]

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

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

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

WAC 480-12-405 Determination of weights. (1)(a) *Tare weight; loaded weight.* Each common carrier shall determine the tare weight of each vehicle used in the

transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank of such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads.

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

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

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

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date

Name of carrier

Vehicle identification

Name of shipper

Origin of shipment

Destination of shipment

GROSS WEIGHT OF LOADED VEHICLE without the crew thereon pounds

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

NET WEIGHT OF THE SHIPMENT pounds

The above gross and tare weights were obtained at scales

GROSS {
 (Name of scales)
 (location)

TARE {
 (Name of Scales)
 (location)

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

Shipper	Net Weight
.....
.....
.....

I certify the above entries are true and correct.

.....
 (Driver's signature)

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

WAC 480-12-410 Discounts prohibited—Rates based on prepayment charges prohibited. No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by a carrier of household goods, and no rates or charges shall be established based upon prepayment of charges.

[Order R-5, § 480-12-410, filed 6/6/69, effective 10/9/69.]

WAC 480-12-415 Prohibition against carrier acting as agent for another carrier. No common carrier shall act as agent for any other common carrier in the solicitation of shipments of household goods between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal.

[Order R-5, § 480-12-415, filed 6/6/69, effective 10/9/69.]

WAC 480-12-420 Acting as agent for compensation for insurance company prohibited. No common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods to be transported by such carrier if such carrier, or its employee, agent, or representative receives compensation from such insurance company.

[Order R-5, § 480-12-420, filed 6/6/69, effective 10/9/69.]

WAC 480-12-425 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited. No common carrier shall issue a receipt or bill of lading for household goods prior to receiving such goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

[Order R-5, § 480-12-425, filed 6/6/69, effective 10/9/69.]

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

(2) **Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured."** No carrier of household goods or any employee, agent, or representative thereof, shall advertise or represent to the public that "all loads are insured," or other similar wording.

[Statutory Authority: RCW 80.01.040, 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-430, filed 12/27/82. Statutory Authority: RCW

80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-430, filed 9/9/81; Order R-5, § 480-12-430, filed 6/6/69, effective 10/9/69.]

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

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

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

(c) The applicable rate to be applied.

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

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

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

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

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

IMPORTANT NOTICE

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

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

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

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

(2) **Estimate form for shipper's use.** Carriers may furnish to shippers or prospective shippers an estimate form

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

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

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

(5) **Supplemental estimate.** When a written estimate has been given a shipper under this section, and services not included in the original estimate are required, a supplement to the original estimate shall be prepared, acknowledged in writing by the shipper, and attached to the original estimate or to the bill of lading. Supplements shall be retained by the carrier as provided in subsection (1)(i) of this section.

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

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

WAC 480-12-440 Absorption or advancement of dock charges. Carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advanced charges are paid.

[Order R-5, § 480-12-440, filed 6/6/69, effective 10/9/69.]

WAC 480-12-445 Information to shipper. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a

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

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

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

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

Estimates. Movers will, upon request, provide estimates of moving costs. They must be written. Oral or telephone estimates are not permitted. The accuracy of the estimate depends upon cooperation between the owner and the mover. **SHOW THE MOVER EVERYTHING YOU WANT ON THE TRUCK AND DISCUSS ALL SERVICES YOU WANT PERFORMED.** When moving day arrives, and you discover that there are additional items and services to be performed which were not covered by the original estimate, i.e., services and items you may have intended to take care of yourself, then the mover must provide you an additional estimate. Any services not included on the original estimate of charges must be listed on a supplement estimate and acknowledged in writing by the shipper prior to the performance of the additional services. Estimates are not binding on the mover. You are legally obligated to pay the transportation and other charges computed in accordance with the tariff published by the Washington utilities and transportation commission. However, if the charges exceed the original, and supplementary estimate, if any, the mover must at your request, deliver the shipment to you upon payment of not more than one hundred ten percent of the estimate. The balance of the charges shall be deferred for not more than thirty days following delivery of the shipment.

Tariffs. The tariff is published by the Washington utilities and transportation commission. It contains rates, rules, and charges governing the transportation of household goods. The tariff applies to all movers and all Washington movers have the same rates. The tariff is available for public inspection at the mover's office. Among the rules and regulations are special provisions for shipments picked up or delivered at more than one place; packing and marking, furnishing of boxes, carrying goods up and down steps.

Preparing articles for shipment. Some articles may require special servicing, including disconnection, to prepare them for being moved. These articles are usually large appliances, stereo sets, etc. If the mover prepares these articles there will be an extra charge. Also, if you wish to avoid extra per-hour charges, you should consider taking down drapes, blinds, window cornices, mirrors and any other articles attached to the walls. Movers are not responsible for articles of extraordinary value. Never pack jewelry, money, valuable papers, coin or other valuable collections with your other belongings. This applies also to inflammables or other dangerous articles.

COVERAGE BY THE MOVER IN CASE OF LOSS OR DAMAGE.

- THE DOLLAR AMOUNT OF RESPONSIBILITY YOUR MOVER HAS FOR LOSS OR DAMAGE TO YOUR HOUSEHOLD ARTICLES IS UP TO YOU.
- YOU SHOULD CHOOSE THE DOLLAR AMOUNT.
- WHAT THE MOVER IS OR IS NOT RESPONSIBLE FOR IS PRINTED ON THE BACK OF THE MOVER'S STANDARD MOVING CONTRACT (BILL-OF-LADING).
- GET A SAMPLE CONTRACT AND READ IT BEFORE YOU MOVE.

YOUR CHOICES OF COVERAGE ARE:

1. Replacement cost coverage.
 - a. No depreciation is applied to arrive at the amount you are paid for loss or damage.
 - b. This coverage costs the most.
2. Standard full value protection.
 - a. Depreciation will be applied in arriving at the amount you are paid for loss or damage.
 - b. This coverage costs less than replacement cost.
3. Partial coverage/one dollar and twenty-five cents per pound.
 - a. This is an arbitrary valuation.
 - b. The actual weight of all you move will be multiplied by one dollar and twenty-five cents per pound, and the result used as the value of all your goods.
 - c. One dollar and twenty-five cents per pound is a fraction of the value of the contents of the average home. Values much higher than one dollar and twenty-five cents per pound are common.
 - d. You may not receive full payment for a major or total loss.
 - e. This coverage costs less than full value protection.
4. Almost no coverage/sixty cents per pound per item.
 - a. This coverage can be totally inadequate in case of a major or total loss (as in the case of the moving truck being involved in an accident).
 - b. For loss or damage you will be paid up to sixty cents per pound times the weight of any lost or damaged article. For a crushed five pound lamp shade you would be paid three dollars (five lbs. times sixty cents).
 - c. There is no additional cost for this choice.

MOVING FROM CITY TO CITY/LONG DISTANCE.

1. All four choices are available.

2. If you make no choice, the mover will choose number 3 (one dollar and twenty-five cents per pound) for you.

MOVING WITHIN A LOCAL AREA.

1. All choices except number 3 (one dollar and twenty-five cents per lb.) are available.

2. If you make no choice, the mover will choose number 4 (sixty cents per lb.) for you.

Weights. For distance rated moving the transportation charge depends on the shipment's weight. While extra services (accessorial) and packing are important elements of the total, this paragraph deals with shipment weight. Ordinarily the carrier will weigh the vehicle before loading your goods as well as after loading. This determines the net weight of your shipment. If you so request, the mover will notify you of the weight and the charges as soon as the weight is established. A mover will reweigh the shipment before delivery, if this is requested, providing this is practicable. Reweighs cost extra, but only when the difference between the two net scale weights does not exceed certain parameters (one hundred pounds when the shipment is five thousand pounds or less, two percent of the lower net scale weight on shipments weighing over five thousand pounds).

Expedited service. Movers do not have to make delivery at any definite time. However, at your request, a shipment will be delivered on or before the date specified. Such shipments may be subject to an extra charge.

Small shipments. The minimum weight for shipments in distance moves is five hundred pounds. If your shipment weighs in this area, you should consider using other means of transportation even if you have to pay for crating and packing. Movers frequently find it difficult to deliver small shipments in a reasonable time.

Temporary storage. Upon request, you may place your goods in temporary storage for a period not to exceed one hundred eighty days. Additional charges are imposed for this service. If the shipment is not removed from temporary storage within one hundred eighty days the shipment will revert to permanent storage and the carrier ceases to have liability as a carrier. His liability becomes that of a warehouseman and the Washington utilities and transportation commission has no further jurisdiction over the shipment.

Bill of lading contract. The bill of lading is the contract between you and the mover. Before your shipment leaves the point of origin you should obtain a copy of this document. You should sign the bill of lading before transportation begins and sign it as a receipt upon delivery of the goods at destination.

Payment of charges - freight bill. Ordinarily movers will not deliver or relinquish possession of property until all tariff rates and charges have been paid in cash, certified check, traveler's check, or similar instruments. Some movers will accept bank cards. Shippers should be prepared to make payment for the move when the shipment is finally delivered.

When you make payment for distance shipments (more than thirty-five miles) your receipt for the charges should show gross and tare weights of the vehicle, the net weight of your shipment, mileage, the rate per one hundred pounds for

the transportation, additional protection and any other services performed. On time-rated shipments the receipt should show the time the vehicle left the mover's place of business and the time of return, the rate per hour and rates or charges for any accessorial services. The receipt is called a freight bill or expense bill.

In the event of loss or damage to your shipment ask the driver to acknowledge the facts on the freight bill. If the driver refuses, you should have a disinterested party inspect the damage in the driver's presence and report same in writing to the mover's home office.

Loss or damage. All claims for loss or damage must be filed with the carrier in writing. Ask the carrier for a claim form.

Claims should be filed within nine months from date of delivery preferably as soon as possible while memories are fresh. The Washington utilities and transportation commission cannot resolve or settle claims for loss and damage. If the carrier will not voluntarily settle a claim to the customer's satisfaction, the only recourse is the filing of a suit in a court of law.

[Statutory Authority: RCW 80.01.040. 89-09-071 (Order R-298, Cause No. TV-2253), § 480-12-445, filed 4/19/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-445, filed 12/23/87; 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-445, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-445, filed 9/9/81; Order R-5, § 480-12-445, filed 6/6/69, effective 10/9/69.]

WAC 480-12-450 Minimum weight shipments. No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

[Order R-5, § 480-12-450, filed 6/6/69, effective 10/9/69.]

WAC 480-12-455 Underestimates. When a carrier gives an estimate of charges for services in the carrying of household goods, such carrier shall endeavor to accurately reflect the actual tariff charges. Such carrier shall be subject to monetary penalties under the provisions of RCW 81.80.132 when the actual total charges for long distance moves exceed the estimated charges by 15 percent and when, on local moves, the actual charges for the time required to complete the move exceed the estimated time charges by 25 percent or when actual charges for accessorial and other services not related to time charges exceed estimates for such services by 15 percent.

[Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-455, filed 5/4/94 effective 6/4/94; Order R-5, § 480-12-455, filed 6/6/69, effective 10/9/69.]

WAC 480-12-460 Complaint procedures. Upon receipt of any complaint relating to WAC 480-12-405 to 480-12-455, the commission, prior to publication of a penalty assessment, will conduct an informal field investigation to determine the merits of such complaint. In its investigation, the commission shall consider, among other things, factors which increase actual charges above estimated charges but which were beyond the control of the estimator, such as delays in traffic, unusual conditions of the premises

involved, and requests for additional services not covered by the estimates. If the carrier is not at fault, all interested parties will be so notified. If, in the opinion of the commission the carrier involved is at fault, a penalty assessment will be issued in the usual manner and as provided by RCW 81.04.405, and such carrier shall have an opportunity to apply for mitigation of the penalty by citing all relevant factors tending to lessen the seriousness of the violation, including its past operating record.

[Order R-5, § 480-12-460, filed 6/6/69, effective 10/9/69.]

WAC 480-12-465 Charge card plans. (1) Approval required. Each motor common carrier of household goods shall obtain approval from the commission before offering shippers of household goods the option of paying transportation charges with a charge card.

(2) Application.

(a) Each such carrier shall make application for approval to participate in a charge card plan by submitting to the commission a copy of its proposed agreement with a financial institution offering participation in the plan.

(b) Each application shall include the name and principal office location of the carrier seeking approval, the name and address of the carrier's authorized representative, the name and address of the financial institution offering participation in the plan, and a copy of the form thereof.

(3) Approval of application.

(a) Approval of the charge card plan shall be given informally by the commission by sending an appropriate letter to the applying carrier.

(b) Approval of a charge card plan shall be denied where the plan is being offered in a manner or on terms which unreasonably discriminate against other carriers which may seek to participate in a charge card plan. Approval shall also be denied when a plan contains terms or conditions contrary to the provisions in subsection (5) of this section, or when it is contrary to the public interest.

(4) Charge-back not prohibited. The inclusion in a charge card agreement of reasonable provisions permitting participating financial institutions to charge back a carrier's account shall not result in automatic disapproval of a charge card plan.

(5) Percentage service charges. A carrier seeking to participate in the charge card plan may contract with a participating financial institution for payment of a percentage service charge to the financial institution provided that the amount of such service charge is reasonably related to the services performed by the financial institution in conjunction with the operation of such plan. Reasonable variances in the rates of service charges extended to individual carriers shall not alone result in a rate being deemed unrelated to the services provided by the institution.

(6) Withdrawal of approval. The commission expressly reserves the right to withdraw its approval of a charge card plan and to forbid a carrier or carriers from further participation in the plan, should such action prove necessary to the protection of the public interest and the declaration of policy of the Motor Carrier Act. In the event a plan or plans are disapproved, each participating carrier shall have a period of thirty days within which to settle its accounts with the

participating financial institution and within which to terminate its contractual relationship with that institution.

(7) Cross reference. No practices authorized by this section shall be considered violative of any of the provisions of WAC 480-12-400 through 480-12-455, inclusive.

[Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140, and 81.80.290, 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-465, filed 8/27/80.]

WAC 480-12-600 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.

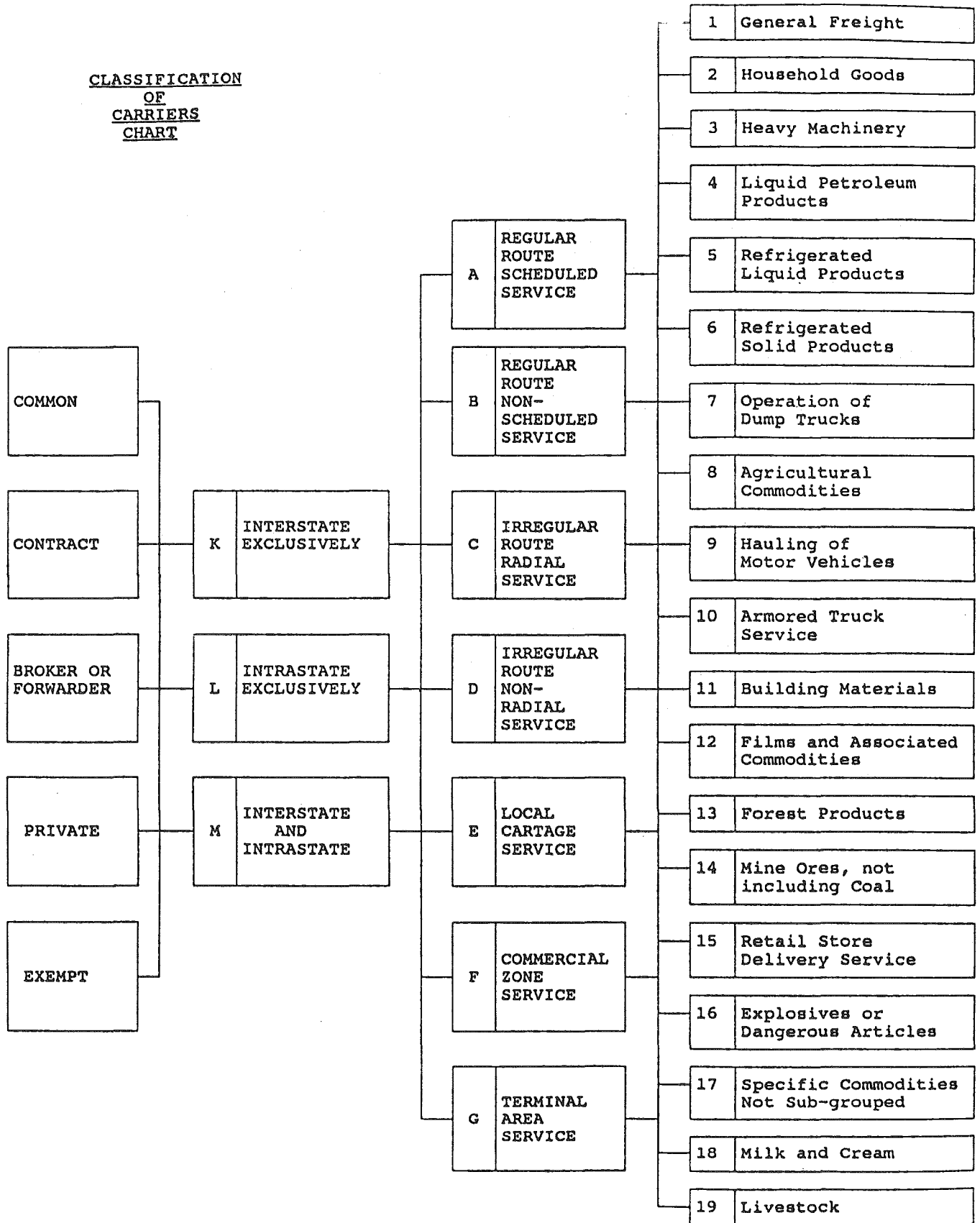
[Statutory Authority: RCW 80.01.040, 93-24-102 (Order R-401, Docket No. TV-931030), § 480-12-600, filed 12/1/93, effective 1/1/94.]

WAC 480-12-990 Appendix A—Classification of brokers, forwarders and motor carriers of property.

APPENDIX A Classification of brokers, forwarders and motor carriers of property

CLASSIFICATION CHART

CLASSIFICATION
OF
CARRIERS
CHART



The preceding page is a chart which outlines three steps taken in a breakdown of each motor carrier operation. These three steps are the analytical factors which are used to determine the carrier's classification. They include (1) type of carrier, (2) type of carrier's service, and (3) type of commodities transported. Each class is a composite of these three factors. The chart includes a symbol system through which class may be identified by code letter and number.

The first division of the chart identifies the type of operation, as fixed by chapter 81.80 RCW. There are five such types of property operators.

- Common carrier of property
- Contract carrier of property
- Forwarder or broker of property transportation
- Private carrier of property
- Exempt carrier

The second division on the chart identifies the type of service in which the carrier is engaged as determined by:

- (a) Regular route, scheduled service
- (b) Regular route, nonscheduled service
- (c) Irregular route, radial service
- (d) Irregular route, nonradial service
- (e) Local cartage service
- (f) Commercial zone service
- (g) Terminal area service

The third division on the chart describes the type of commodities transported by the carrier. There are nineteen such commodity groups which are of sufficient importance at this time to warrant individual identification. Additional groups may be added as the need therefor is shown.

- (1) Carriers of general freight
- (2) Carriers of household goods
- (3) Carriers of heavy machinery
- (4) Carriers of liquid petroleum products
- (5) Carriers of refrigerated liquid products
- (6) Carriers of refrigerated solid products
- (7) Carriers engaged in dump trucking
- (8) Carriers of agricultural commodities
- (9) Carriers of motor vehicles
- (10) Carriers engaged in armored truck service
- (11) Carriers of building materials
- (12) Carriers of films and associated commodities
- (13) Carriers of forest products
- (14) Carriers of mine ores not including coal
- (15) Carriers engaged in retail store delivery service
- (16) Carriers of explosives or dangerous articles
- (17) Carriers of specific commodities, not subgrouped
- (18) Carriers of milk and cream
- (19) Carriers of livestock

The symbol system of code identification is derived from the foregoing three groups. Illustration: A common carrier may be engaged in transporting household goods over irregular routes in radial services. Such a carrier would be classed as a **common carrier** Class C-2.

Appropriate definitions or explanations of each class or group appear on the following pages in the order shown above.

Types of carriers

DEFINITIONS

RCW Section 81.80.010 (of the "Motor Carrier Act") defines carriers by motor vehicle and brokers and forwarders as follows:

MOTOR CARRIER

The term "motor carrier" means and includes "common carrier," "contract carrier," "private carrier" and "exempt carrier," as herein defined.

COMMON CARRIER

The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

CONTRACT CARRIER

The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined, and further shall include any persons who under special and individual contracts or agreements transport property by motor vehicle for compensation.

PRIVATE CARRIER

A "private carrier" is a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

BROKER AND FORWARDER

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

EXEMPT CARRIER

The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under section RCW 81.80.040 thereof.

Interpretation of permits

Commodity descriptions and the right to serve certain routes or territories described in a carrier's permit where ambiguity exists shall be interpreted according to general custom and trade usage of the common carrier motor freight industry, and the usual Commission administrative practice.

When the terms Olympic Peninsula, Eastern Washington, Western Washington, and Southwest Washington are used in common or contract carrier permits, the terms shall define territory as follows:

Olympic Peninsula: The Olympic Peninsula area comprises all points in Clallam County, Jefferson County, Mason County (points north of an east-west line through Shelton only), Kitsap County, Vashon Island and the

northern portion of Pierce County, north and west of Tacoma and Steilacoom.

Eastern Washington and Western Washington: The dividing line between Eastern Washington and Western Washington is the summit of the Cascade Range, which is also the county boundary, starting at the Canadian border and running south as far as Mt. Adams; from Mt. Adams running south to the Columbia River the dividing line shall be between the eastern boundary of Skamania County and the western boundaries of Yakima and Klickitat Counties.

Southwest Washington: Southwest Washington shall comprise all of Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis and Thurston Counties, and that portion of Pierce, Mason and Grays Harbor Counties lying south of a westerly extension of the King-Pierce County lines, extended directly west from Dash Point.

Types of property carrier service

EXPLANATION

(A) REGULAR ROUTE, SCHEDULED SERVICE

A regular route scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes upon established or fixed schedules.

(B) REGULAR ROUTE, NONSCHEDULED SERVICE

A regular route nonscheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes at intermittent intervals and not upon an established or fixed schedule.

(C) IRREGULAR ROUTE, RADIAL SERVICE

An irregular route radial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes from a fixed base point or points to points or places located within such radial area as shall have been fixed and authorized by the Commission, or from any point located within such radial area to such carrier's fixed base point or points.

(D) IRREGULAR ROUTE, NONRADIAL SERVICE

An irregular route nonradial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes between points or communities located within such general territory as shall have been defined geographically and authorized in a permit, and any other points or communities located within the same general territory without respect to a hub community or a fixed base point of operation.

(E) LOCAL CARTAGE SERVICE

A local cartage carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation when such transportation is performed wholly within a municipality or

between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

(F) COMMERCIAL ZONE SERVICE

A commercial zone carrier is any carrier of general freight who has acquired authority to operate within a commercial zone, pursuant to RCW 81.80.400 or 81.80.410 and WAC 480-12-081.

(G) TERMINAL AREA SERVICE

A terminal area carrier is any carrier of general freight who has acquired authority to pick up and deliver intercity shipments within a terminal area, pursuant to RCW 81.80.400 or 81.80.410 and WAC 480-12-082.

Types or groups of commodities

EXPLANATION

(1) CARRIERS OF GENERAL FREIGHT

(a) This group comprises both common and contract carriers transporting general freight except such commodities as require special equipment or service.

(b) Common or contract carriers authorized to transport general freight prior to May 1, 1944 may transport any commodity without restriction as to type of equipment required or special service rendered.

(2) CARRIERS OF HOUSEHOLD GOODS AS A COMMODITY

Household goods carriers include carriers, both common and contract, engaged in the transportation of property commonly used in a household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usual in an office, museum, institution, hospital, or other similar establishment when a part of the stock, equipment, or supply of such office, museum, institution, hospital, or other similar establishment; furniture, fixtures, and equipment of a store; works of art, furniture, musical instruments, display exhibits, and articles requiring the specialized handling and special equipment usually employed in moving household goods.

Note: This type of carrier renders a specialized service requiring skilled workmen. Such special service includes removing furniture from the higher stories of large office buildings when freight elevator service is not available, the proper placing of furniture in the home or office upon delivery at destination, the laying of rugs, hanging of pictures, and other services in connection with the removal of furniture or fixtures from one location to another. A household goods carrier is usually a Class C-2 operator, but such a carrier may be a Class D-2 operator. When the operation is that of a D-2 operator it embraces the transportation of household goods to, from and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

Note: For further definition of Household Goods see Administrative Ruling No. 7 dated December 10, 1959.

(3) CARRIERS OF HEAVY MACHINERY

This commodity group designates the transportation of heavy machinery or other articles which, because of their weight or size, require the use of special vehicle equipment for transportation, special equipment for loading or unload-

ing, or specialized carrier-supplied auxiliary or accessorial services as described below.

The words "special equipment" as used in this definition mean equipment not ordinarily used in the loading, unloading or transportation of items defined in the other types or groups of commodities classified or customarily utilized by carriers of specific commodities.

This commodity description includes articles weighing in excess of 2,000 pounds each, such as prestressed concrete beams, heavy steel or iron ingots and bars, ships' propellers and anchors, structural steel, oil field rigs and oil field equipment. Items weighing less than 2,000 pounds may fall within this classification when their size or other nature requires the specialized services of these carriers or specialized equipment.

This commodity description does not, however, include aggregations of items not defined above, which have been bundled, palletized, or placed in bins, barrels or other containers, or otherwise aggregated, merely because of convenience, economy or industry preference; the classification does include articles which are aggregated when the aggregation is required by the inherent nature of the article and the aggregation actually constitutes the minimum shipping quantity or package for the article. Articles fall within this exception (1) when their inherent nature requires aggregation — e.g., when they are susceptible to damage if not so bundled — (2) when industry practice is to bundle in such quantities, and (3) when the aggregated bundle is of a size, weight, or nature to require the specialized equipment or ancillary service that carriers of this classification customarily provide and which are not customarily provided by carriers of other commodities.

Note: These commodities are grouped together because of the equipment required for their transportation, loading or unloading or the nature of the services performed by the carriers. Certain auxiliary or accessorial services may be necessary in the transportation of these commodities, such as the dismantling and resetting of machinery, often requiring use of rigging, skidding, or similar devices. A carrier of this classification may find that all of its facilities are employed for a considerable period of time in a locality which is only part of the territory in which it is authorized to serve. This type of carrier is usually a Class D-3 operator. The territorial scope of this service is usually similar to that of the household goods carrier. The movement involves and embraces transportation to, from, and between unlimited points of origin and destination within the territory served by such carrier over irregular routes.

(4) CARRIERS OF LIQUID PETROLEUM PRODUCTS

Carriers of liquid petroleum products include those carriers who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene, and like products in tank vehicles. Such vehicles include solo trucks, semi-trailers, and full-trailers. Carriers of butane, propane and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. The group also includes carriers of edible oils, coal tar products, and chemicals, if transported in tank vehicles but does not include the transportation of milk, fruit juices, or other perishable liquid products which require temperature control.

Note: Carriers who fall within this group may be either common or contract carriers. In either case the service involves special tank transport equipment.

(5) CARRIERS OF REFRIGERATED LIQUID PRODUCTS

This group comprises carriers, both common and contract, which specialize in the transportation of refrigerated or temperature controlled perishable liquid products, such as fruit juices and various beverages in tank vehicles, including solo trucks, semi-trailers, or full-trailers. Those liquid products such as milk which are classified in other commodity groups are not included in this class.

Note: The production area of fruit juices and beverages and the transportation of these products by tank truck is largely restricted to the territories where they are manufactured. While the shipments originate in a restricted area the transportation is usually over long distances and requires operation both day and night. The matter of public health is particularly involved in this type of carriage in view of the nature of the commodity.

(6) CARRIERS OF REFRIGERATED SOLID PRODUCTS

This group includes that class of carriers, both common and contract, which engages in the transportation of commodities of a perishable nature, including fresh fish, meats and meat products, fruits and vegetables, dairy products, etc., requiring the use of special refrigeration or temperature control. It does not include refrigerated or temperature controlled liquid products, otherwise classified herein.

Note: Specially designed and constructed refrigerator equipment is usually necessary for this operation. Dry ice is often used. Extra care in handling shipments must be exercised on account of the danger of spoiling. This operation is the same as that of the ordinary general commodity carrier except as to refrigeration requirements.

(7) CARRIERS ENGAGED IN DUMP TRUCKING

This group includes both common and contract carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except garbage, cement in bulk, and coal.

Note: The operations of this group are usually carried on during the daytime and are local in character. The activities of carriers in this group are somewhat seasonal, especially in connection with building or construction projects. The value of the commodity hauled is usually low.

(8) CARRIERS OF AGRICULTURAL COMMODITIES

This group includes carriers engaged exclusively in the transportation of unmanufactured or unprocessed agricultural commodities including the return of empty containers. It does not include carriers of milk and cream or livestock, which is dealt with in a separate classification, regardless of the type of vehicle used, and does not include carriers engaged in the transportation of fruit juices or other processed agricultural commodities.

Note: While both common and contract carriers are included in this group, it is composed principally of irregular route radial service common carriers. Most commercial agricultural commodities are also handled as general commodities, especially when hauled in small lots as fruit, vegetables, produce, poultry, grains in sacks, etc. In some instances, special vehicle equipment is required for the movement of small grains in bulk, grass feeds, hay, etc.

(9) CARRIERS OF MOTOR VEHICLES

This group consists of motor carriers engaged in the transportation of new and used motor vehicles, including automobiles, trucks, trailers, chassis, bodies, and automotive display vehicles, wholly or partially assembled. In this group are included:

(a) Carriers engaged in the transportation of motor vehicles by truck away method, involving the use of special equipment such as trucks, tractors, trailers, semi-trailers, 4-wheel trailers, and various combinations of the above in or upon which such motor vehicles are loaded.

(b) Carriers engaged in the transportation of motor vehicles by driveaway method, involving the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single driveaway or in combinations of two or more vehicles by use of towbar mechanism, saddle or bolster mount mechanism, or any combinations of the above.

Note: The transportation of new automobiles, trucks, and trailers is usually a Class C-9 movement. The transportation of used automobiles, trucks, and trailers and new or used chassis, bodies and automotive display vehicles is usually a Class D-9 movement. In either case, the operation may be that of a common or contract carrier. When classified as a Class D-9 movement, the scope of the operation is territorial in character and includes the transportation of motor vehicles to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(10) *CARRIERS ENGAGED IN ARMORED TRUCK SERVICE

This group includes motor carriers, either common or contract, which by reason of the commodity transported, i.e., gold, silver, currency, valuable securities, jewels and other property of very high value, use specially constructed armored trucks and provide policy protection to safeguard the commodity while it is being transported and delivered. It also includes carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

Note: This is a highly specialized type of service and is usually confined to larger cities and industrial areas. It is used by financial institutions for the transfer of funds including bullion, currency, valuable securities and jewels from dock to vault, pay rolls to industries, bank to bank, etc. It is frequently performed under a specific contract, although there are some carriers engaged in the service that hold themselves out as common carriers. Where the service is entirely local, the operation may be regarded as local cartage within a municipality. Where routes or territory beyond a municipal area are served, the operation becomes that of an irregular route, radial carrier.

(11) CARRIERS OF BUILDING MATERIALS

This group includes carriers engaged in transporting any commodity which at the time of transportation is, without further processing or manufacture, in a form and condition to be used in the construction, modification or repair of a structure; which is at the time of the transportation intended with reasonable certainty to be so used; and which does not require the use of specialized equipment other than ordinary van or flatbed equipment. The classification does not include bulk sand, gravel, crushed stone or other building materials ordinarily transported in dump trucks.

Some articles can be transported under this classification without specific inquiry by the carrier as to their intended future use, provided the carrier does not at the time of movement have knowledge of an intended use other than as a building material. Such articles include (1) lumber, cut stone, slate, tile, brick, cement in sacks, plaster in sacks, or other similar materials usually transported on flatbed equipment; (2) any commodity designed especially for use in the construction, modification or repair of a structure and having virtually no other use; and (3) any commodity whose predominant use is as a building material.

Commodities having general utility in many lines of work may be transported under this classification providing the carrier affirmatively establishes before shipment that the commodity, at the time of movement is specifically intended, at the immediate or ultimate destination, to be used as a building material.

Note: Usually no special equipment is required, except in the case of the lumber hauler, who uses vehicles equipped with a special unloading device or that of the concrete hauler, who mixes en route. Most building materials can be and are hauled in small lots as general commodities. The movement of these commodities is usually in connection with a construction project, in truck loads, and for comparatively short distances. The transportation of lumber between manufacturing plants and from mill to retail yard is an important service rendered by carriers in this classification.

(12) CARRIERS OF FILMS AND ASSOCIATED COMMODITIES

This group, composed of both common and contract carriers, includes those carriers which are engaged in the transportation of motion-picture and sound-reproducing films, recording, reproducing, and amplifying devices, supplies and accessories for the operation of motion picture theaters or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits, such as are found in lobbies of motion picture theaters, and furnishing and supplies necessary in the maintenance and operation of such theaters. This type of operation requires unusual delivery schedules and special personal service.

Note: This group is not authorized to engage in the transportation of general freight unless specifically so authorized in permit.

(13) CARRIERS OF FOREST PRODUCTS

This group includes both common and contract carriers engaged principally in the transportation of forest products, i.e., logs, poles, piling, fence posts, shingle bolts, pulp-wood, and fuel from the forest to processing plants or to market.

Note: In those areas where the timber is large, special truck equipment is required for the transportation of logs. Such equipment includes bunks, reaches, 2- and 4-wheel trailers, special braking arrangements, and other incidental special equipment. Similar equipment is also frequently used in the transportation of poles and piling. Ordinary vehicles are used to transport the other items referred to herein. This group does not include carriers who are engaged in the transportation of rough or finished lumber or processed products derived from raw forest products nor does it include such operations as are grouped under "carriers of building materials."

Note: For definition of short logs see Administrative Ruling No. 6 dated December 30, 1957.

(14) CARRIERS OF MINE ORES NOT INCLUDING COAL

This group comprises both common and contract carriers, engaged principally in the transportation of mining products in the rough, such as iron, copper, or other ores from the mine to the smelter or from the mine to bunkers located on the routes of connecting carriers. It also includes the transportation of products of smelters to refineries or foundries. It does not include coal or coal products or refined or manufactured products of ores which are classified herein under other groupings.

(15) CARRIERS ENGAGED IN RETAIL STORE DELIVERY SERVICE

This group includes carriers who render a specialized delivery service for retail store establishments. This service is usually confined to municipal areas, and where that is the case, may be regarded as a city cartage operation. In some instances, however, the service extends beyond municipal areas and in that case the operation may be classified in accordance with the service rendered.

(16) CARRIERS OF EXPLOSIVES OR DANGEROUS ARTICLES

Carriers of certain explosives or dangerous articles, except liquid petroleum products as described in commodity Group 4, and films as described in commodity Group 12, are those carriers which engage in transporting dangerous, less dangerous, or relatively safe explosives, including nonexplosive materials such as fuses, cartridge cases, dummy cartridges, etc., inflammable oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and other acceptable dangerous articles other than inflammable liquids in tank vehicles.

Note: The transportation of the commodities classed in this group involves unusual hazards and requires special precautions in the matter of safety. The carriage is usually rendered under special agreement but is also rendered by common carriers when the volume of the movement is not sufficient to warrant a contract operation.

(17) CARRIERS OF SPECIFIC COMMODITIES, NOT SUBGROUPED

Throughout the State there are individual truck operators who engage in the transportation of some specific commodity or commodities which do not fall within any of the commodity subgroups included in this classification.

Note: Usually such transportation is carried on in conjunction with a local industry or local situation and is not of sufficient importance to warrant subgrouping. In order to provide, however, for the general classification of such operations, miscellaneous commodity Group 17 has been included in this classification. The specific commodity or commodities transported by carriers who may be classified in this group are shown in the carrier's permit. Commodity Group 17 carriers will be the subject of further study and if need therefor is shown, additional commodity groups will be established from time to time from this miscellaneous group to meet the administrative requirements of the Commission.

(18) CARRIERS OF MILK AND CREAM

This group composed of both common and contract carriers includes those carriers who are engaged in the transportation of milk and cream, primarily from point of production to creameries and primary markets. It includes carriers of milk and cream regardless of the type of vehicle used.

(19) CARRIERS OF LIVESTOCK

The term livestock is defined to include, and carriers of livestock may transport, all cattle, swine, sheep, goats, horses, burros, asses, and mules, except such as are chiefly valuable for breeding, racing, show purposes or other special uses.

Exceptions to and changes in classification

These classifications and groupings are prescribed for general purposes. The operation of individual carriers may fall within more than one grouping, in which event they become subject to the rules and regulations of each group into which they fall.

Any group of carriers, or any carrier member of a group, may, upon proper notice, petition the commission to alter, amend, or otherwise modify any part of this classification or any grouping prescribed herein. Unless exceptions are specifically granted, the general rules and regulations of the commission shall govern.

Emergencies

In case of emergencies or unforeseen conditions over which the motor carrier affected has no control, which require immediate and extraordinary treatment, the commission may, without notice, modify, amend, suspend or vacate any or all classifications or groupings herein prescribed and substitute in lieu thereof such classification groupings or regulations as may be necessary during the period of such emergency.

[Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-990, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 81.80.120. 79-07-039 (Order R-124, Cause No. TV-985), § 480-12-990, filed 6/20/79; Order R-24, Appendix A (codified as WAC 480-12-990), filed 4/16/71; Order R-5, Appendix "A" Classification of brokers, forwarders and motor carriers of property, filed 6/6/69, effective 10/9/69.]

Chapter 480-14 WAC

MOTOR CARRIERS, EXCLUDING HOUSEHOLD
GOODS CARRIERS AND COMMON CARRIER
BROKERS

WAC

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WAC 480-14-010 Purpose and application. The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter **except** carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-010, filed 11/22/95, effective 12/23/95.]

WAC 480-14-020 Rules, general application of rules—How changed. (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington State Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-020, filed 11/22/95, effective 12/23/95.]

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-12 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-12-990.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-040, filed 11/22/95, effective 12/23/95.]

WAC 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-09-120 and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-050, filed 11/22/95, effective 12/23/95.]

WAC 480-14-060 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 May 1, 1995.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1995.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters office 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-060, filed 11/22/95, effective 12/23/95.]

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—Adoption by reference. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

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

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

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-070, filed 11/22/95, effective 12/23/95.]

WAC 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) The commission will publish and distribute a document containing the rules relating to motor freight transportation.

(a) The commission will give applicants for permit authority one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission may charge a reasonable photocopy fee for multiple copies of the rule book requested by one person or entity.

(c) Interested persons may obtain a copy of the rule book by contacting the commission's Olympia offices.

(2) Rule books are not copyrighted materials and may be copied without commission approval or permission.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. Persons desiring to keep their rulebooks current and up-to-date are encouraged to subscribe to the rule notification service noted below.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year.

(a) The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers.

(b) The commission will also notify each person who requests to be on its rule notification list for the topics desired.

(c) 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.

(d) The commission welcomes comments on proposed rules.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-080, filed 11/22/95, effective 12/23/95.]

WAC 480-14-090 Permits. (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-090, filed 11/22/95, effective 12/23/95.]

WAC 480-14-100 Operations must be under permit name. Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is de-

scribed in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-100, filed 11/22/95, effective 12/23/95.]

WAC 480-14-110 Improper use of permit or registration receipt. 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-110, filed 11/22/95, effective 12/23/95.]

WAC 480-14-120 Address, change of. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-120, filed 11/22/95, effective 12/23/95.]

WAC 480-14-130 Remittances. (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

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

(3) All remittances must be made in U.S. funds.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-130, filed 11/22/95, effective 12/23/95.]

WAC 480-14-140 Fees. Fees for applications shall be as follows:

Type of Application	Fee Applicable
Conversion of permits existing prior to January 1, 1995, to new permits	\$0
Change of name or business structure	\$50
Permanent common carrier operating authority	
Hazardous materials	\$275
General commodities	\$275
Armored car service	\$275
Extension of common carrier permit authority	
Hazardous materials	\$100
General commodities	\$100
Armored car service	\$100
Reinstatement of authority (within 10 months of cancellation)	
Hazardous materials	\$100
General commodities	\$100
Armored car service	\$100

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-140, filed 11/22/95, effective 12/23/95.]

WAC 480-14-150 Regulatory fee. (1) Every common motor carrier operating in intrastate commerce shall, if

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requested by the commission, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, 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 reduced or waived by commission order.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-150, filed 11/22/95, effective 12/23/95.]

WAC 480-14-160 Procedures for contest of fees. A person may contest any fee imposed by the authority of chapter 81.80 RCW 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-160, filed 11/22/95, effective 12/23/95.]

WAC 480-14-170 Periodic reporting requirements.

The commission may require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. If requested by the commission, the report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-170, filed 11/22/95, effective 12/23/95.]

WAC 480-14-180 Applications. (1) **Intrastate authority.** No person shall conduct operations as a motor freight carrier in Washington intrastate commerce without having first obtained a permit from the commission to do so.

(a) Applications to acquire permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure 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. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

(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 480-14-250. 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-180, filed 11/22/95, effective 12/23/95.]

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-190, filed 11/22/95, effective 12/23/95.]

WAC 480-14-200 Armored car service. Motor carriers defined as providing "armored car service" under WAC 480-14-040(8), when transporting cash or coin with a value exceeding one hundred thousand dollars, are subject to the following provisions:

(1) The vehicle must be accompanied by at least two armed security guards qualified under chapter 18.170 RCW and chapter 308-18 WAC.

(2) When the vehicle is located in an unsecured area, one guard must remain within the area.

(3) Those portions of the vehicle surrounding the cargo and personnel must have a UL 752 Testing Certification to Level 1 Medium Powered Small Arms (MPSA); except that, any vehicle owned by an armored car service and operated as an armored car prior to the effective date of this rule, is exempt from this regulation.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-200, filed 11/22/95, effective 12/23/95.]

WAC 480-14-210 Change of carrier name and business structure. (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-210, filed 11/22/95, effective 12/23/95.]

WAC 480-14-220 Permits, cancelled—New application. When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within ten months after date of cancellation.

If not filed within ten months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-220, filed 11/22/95, effective 12/23/95.]

WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation. (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within ten months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose for the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) Involuntary suspension.

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) **Cancellation for cause.** The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) **Cancellation hearing prior to.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-230, filed 11/22/95, effective 12/23/95.]

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The commission shall, at no charge, grant reinstatement upon a

showing of compliance with the requirements of the law governing operation over the public highways.

[Statutory Authority: RCW 80.01.040 and 34.05.350, 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-240, filed 11/22/95, effective 12/23/95.]

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, 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.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
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 defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); 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

(c) For 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.

(d) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission or its successor agency written by a company authorized to write insurance in any state.

(e) 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.

(f) 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.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

[Statutory Authority: RCW 80.01.040 and 34.05.350, 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-250, filed 11/22/95, effective 12/23/95.]

WAC 480-14-260 Leasing. Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

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

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the lessee or for the duration of said lease;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-260, filed 11/22/95, effective 12/23/95.]

WAC 480-14-290 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 or its successor agency, 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 or its successor agency 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 or its successor agency 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.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-290, filed 11/22/95, effective 12/23/95.]

WAC 480-14-300 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission or its successor agency 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 or its successor agency, 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.

(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 Interstate Commerce Commission or successor agency 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 480-14-320.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-300, filed 11/22/95, effective 12/23/95.]

WAC 480-14-320 Registered 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 or its successor 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.

(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 applica-

tion 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-320, filed 11/22/95, effective 12/23/95.]

WAC 480-14-340 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, 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 carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the Interstate Commerce Commission or its successor agency 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 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-340, filed 11/22/95, effective 12/23/95.]

WAC 480-14-350 Equipment, lawful operation of.

(1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-350, filed 11/22/95, effective 12/23/95.]

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized

representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document may be viewed at the commission branch of the Washington state library, located with the commission headquarters office, and are available from the commission upon request.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-360, filed 11/22/95, effective 12/23/95.]

WAC 480-14-370 Equipment—Drivers—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless

secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

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

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

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

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

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

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

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

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

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

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

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

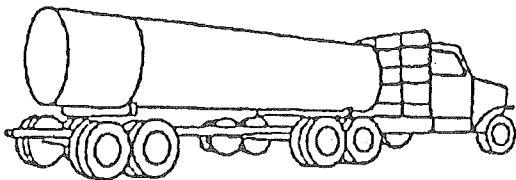
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

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

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

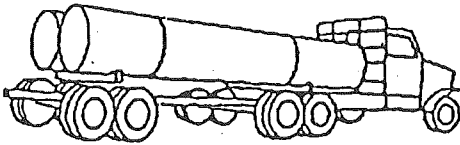
PLACEMENT AND NUMBER OF WRAPPERS

One log load



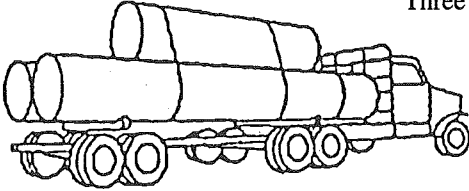
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



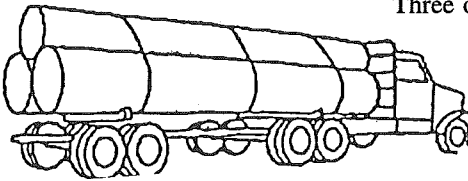
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



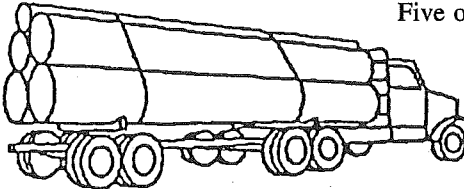
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



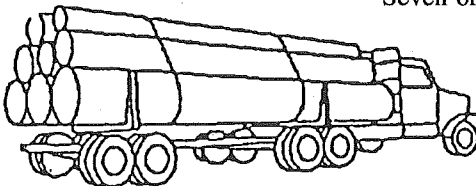
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



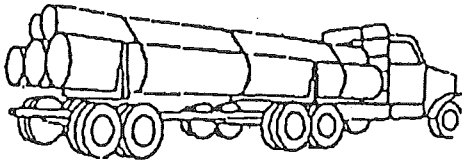
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



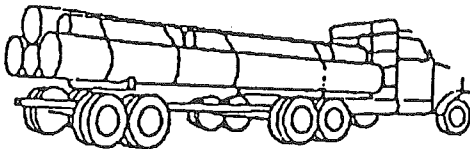
A minimum of two wrappers required.

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



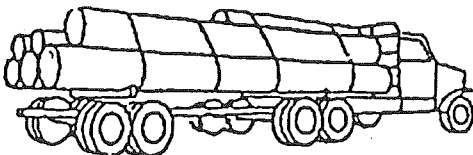
A minimum of three wrappers required.

Outside logs or top logs



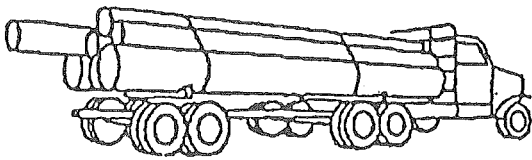
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



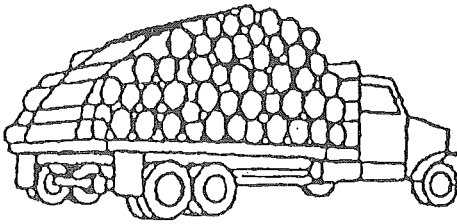
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



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

Short logs loaded crosswise



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

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

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

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

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

(6) **Pole trailers.**

(a) **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.

(b) **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.

(c) **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-

tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383, and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW except carriers operating exclusively in intrastate commerce:

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

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

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

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

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

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly

authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-370, filed 11/22/95, effective 12/23/95.]

WAC 480-14-380 Hours of service—On duty—Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

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

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

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

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-380, filed 11/22/95, effective 12/23/95.]

WAC 480-14-390 Hazardous materials regulations.

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

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

(3) Out-of-service criteria.

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

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-390, filed 11/22/95, effective 12/23/95.]

WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403

must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-400, filed 11/22/95, effective 12/23/95.]

WAC 480-14-420 Optional provisions. (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P. O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

- (i) Filing with the commission its written notice that it opts-out of the program;
- (ii) Advising the shippers it has served within the past year that it has opted-out; and
- (iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.

(4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-420, filed 11/22/95, effective 12/23/95.]

WAC 480-14-900 Appendix A.

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Carrier						Shipper's No.																																											
Agent's No.																																																	
RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,																																																	
at _____ 19____ from _____ the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.																																																	
Consigned to _____ Destination _____ State of _____ Zip Code _____ County Of _____ Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____																																																	
Collect on Delivery \$ _____ and remit to: _____ _____ Street _____ City _____ State _____						C.O.D. charge to be paid by: <input type="checkbox"/> Shipper <input type="checkbox"/> Consignee																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No. Packages</th> <th style="width: 5%;">HM</th> <th style="width: 40%;">Description of Articles, Special Marks, and Exceptions</th> <th style="width: 15%;">*Weight (Sub. to Cor.)</th> <th style="width: 10%;">Class or Rate</th> <th style="width: 10%;">Check Column</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>						No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column																																					Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.	
						No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column																																						
						(Signature of Consignor)																																											
						If charges are to be prepaid, write or stamp here "TO BE PREPAID."																																											
						Received \$ _____ to apply to prepayment of the charges on the property described hereon. Agent or Cashier																																											
						Per _____ (The signature here acknowledges only the amount Prepaid.)																																											
*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per						Charges Advanced: \$ _____																																											
O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.						This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. Agent of _____																																											
_____ Shipper, Per _____						_____ Agent, Per _____																																											
Permanent post-office address of shipper,						page ①																																											

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with

reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooerage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or

place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should

there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or

diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing

at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Shipping Order Must be legibly filled in, in ink, in Indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19 _____ from _____
 the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____
 Routing _____ Delivering Vehicle or Carrier _____ Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____
 Street _____ City _____ State _____

C.O.D. charge to be paid by: Shipper Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
 The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
 Agent or Cashier _____

Per _____
 (The signature here acknowledges only the amount Prepaid.)

Charges Advanced: \$ _____

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shipments are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper _____

_____ Shipper, Per _____ Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper, _____ page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.
 (b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof

or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on

file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the

loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperation and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly

located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered

a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Memorandum is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.
 Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,
 at _____ 19 _____ from _____
 the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____
 Delivering Vehicle or
 Routing _____ Carrier _____ Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____
 Street _____ City _____ State _____
 C.O.D. charge to be paid by: Shipper Consignee

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
 The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
 Agent or Cashier _____

Per _____
 (The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
 Agent of Shipper _____

Shipper, Per _____ Agent, Per _____

Permanent post-office address of shipper, _____ page ③

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the

public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the

port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay

occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee

or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors,

or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-900, filed 11/22/95, effective 12/23/95.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

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480-30-105	Depot and terminal facilities.
480-30-110	Fees and gross operating revenue.
480-30-120	Uniform system of accounts and annual reports.
480-30-130	Rules and regulations—General application.

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

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

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

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

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

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

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

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

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

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

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

(10) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

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

(12) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-010, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-010, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249),

§ 480-30-010, filed 8/9/79; Order R-78, § 480-30-010, filed 10/15/75; Order R-5, § 480-30-010, filed 6/6/69, effective 10/9/69.]

WAC 480-30-015 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 May 16, 1994.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(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. 94-14-014 (Order R-420, Docket No. T-940457), § 480-30-015, filed 6/23/94, effective 7/24/94; 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 480-30-020 Licenses, and rules and regulations. No motor vehicle may be operated upon the public highways of this state by any auto transportation company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-020, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-020, filed 7/11/84; Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.]

WAC 480-30-030 Certificates—Auto transportation companies. (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.]

WAC 480-30-032 Notice of application; protests; contemporaneous applications.

(1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding. Any person who is eligible to file a protest to an application but fails to do so, absent a showing of good cause, is precluded from participating in any hearing upon the application or in any further stage of the proceeding.

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

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

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

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

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

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

[Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-032, filed 5/5/94, effective 6/5/94. 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), § 480-30-032, filed 10/30/91, effective 11/30/91.]

WAC 480-30-035 Certificates—Private, nonprofit transportation providers. (1) No private, nonprofit transportation provider may operate in this state without first having obtained from the commission a certificate to operate as such.

(2) Any right, privilege, or certificate held, owned, or obtained by a private, nonprofit transportation provider may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission.

(3) The commission shall issue a certificate to any corporation which files an application, as provided by the commission, which sets forth:

(a) Satisfactory proof of status as a private, nonprofit corporation;

(b) The kind of service to be provided;

(c) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service and that drivers of such vehicles will be adequately trained and qualified;

(d) Any proposed rates, fares, or charges;

(e) Satisfactory proof of insurance or surety bond.

(4) The commission may deny a certificate to a provider who does not meet the requirements of this section.

(5) Each vehicle of a private, nonprofit transportation provider shall carry a copy of the provider's certificate.

(6) Every private, nonprofit transportation provider shall comply with all rules and regulations of chapter 480-30 WAC pertaining to auto transportation companies except when inconsistent with this section or when otherwise provided for.

(7) Any private, nonprofit transportation provider need not file with the commission a copy of a tariff showing fares, rates, or charges as required by WAC 480-30-050 when such are not levied.

(8) Any private, nonprofit transportation provider which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules as required by WAC 480-30-060.

[Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-035, filed 8/9/79.]

WAC 480-30-040 Express. (1) All auto transportation companies transporting express are required to issue at the time of accepting shipment an express receipt covering each express shipment. Such express receipt must be itemized to show:

(a) Name of carrier.

(b) Point of origin and date of shipment.

(c) Shipper.

(d) Consignee.

(e) Destination.

(f) Routing optional.

(g) Number of packages.

(h) Description of articles.

(i) Weight.

(j) Rate.

(k) Express charges.

(l) Advance charges.

(m) Prepaid charges.

(n) C.O.D. charges.

(o) Total to collect.

(p) Signature of auto transportation company or its agent.

(q) Signature of shipper.

Not less than three copies of such express receipt must be issued, one to be given to the shipper, one copy to be retained by the auto transportation company, and in cases where such auto transportation company does not issue an expense bill covering such shipment, one copy of the express receipt shall be delivered to the consignee, or connecting line carrier.

Copies of express receipts retained by the auto transportation company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the commission.

No auto transportation company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No auto transportation company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No auto transportation company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives; black, brown or smokeless powders, ammunition (other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naphtha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

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

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service nor

use the word "express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service.

[Statutory Authority: RCW 80.01.040, 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-040, filed 7/11/84; Order R-5, § 480-30-040, filed 6/6/69, effective 10/9/69.]

WAC 480-30-045 Auto transportation company C.O.D. shipments tariff requirements—Bond required—Handling of shipments. (1) No auto transportation company transporting express freight under authority of its certificate shall render any C.O.D. services unless such company has published, posted and filed tariffs which contain the rates, charges and rules governing such service.

(2) For good cause any auto transportation company handling C.O.D. shipments may be required to file with the commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the commission, conditioned upon such company making compensation to shippers and consignees for all moneys belonging to them and coming into his possession in connection with such transportation service.

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

(4) Any company accepting checks from any consignee for payment of such C.O.D. collections does so at its own risk.

(5) Upon collection of a C.O.D. bill, auto transportation companies collecting same shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee, promptly and within twenty-five days after delivery of the C.O.D. shipment to the consignee.

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

Partial delivery shall not be made without express written consent of the shipper, who shall furnish disposition of the remainder of the shipment.

[Statutory Authority: RCW 80.01.040 and 81.68.030, 80-12-025 (Order R-152, Cause No. TC-1369), § 480-30-045, filed 8/27/80.]

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

(1) Every auto transportation company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points

on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

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

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

(4) Auto transportation companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies.

(5) No auto transportation company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

[Statutory Authority: RCW 80.01.040, 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-050, filed 5/5/94, effective 6/5/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-050, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-050, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.]

WAC 480-30-060 Schedule of time and route. (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

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

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

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

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

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

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

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

(3) Time schedules must show:

1st. The time of arrival and departure at and from all termini.

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

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

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

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys, (Certificate No. 89)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line
MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967
Effective June 23, 1967
Issued by **Walter A. Keys**
Title, Owner and Manager
St. Address, **123 So. Wenatchee Ave.**
City and State, **Wenatchee, Wash.**

Leave Wenatchee Read Down				Leave Cashmere Read Up			
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.
AM	PM	PM	0.0	Wenatchee	AM	PM	PM
Lv. 11:00	1:30	5:30	0.0	Wenatchee	Lv. 10:40	1:10	5:10
" 11:08	1:38	5:38	3.7	Wenatchee River Bridge	Lv. 10:52	1:02	5:02
" 11:09	1:39	5:39	3.3	Olds Corner	" 10:51	1:01	5:01
" 11:12	1:42	5:42	4.4	Sunnyslope	" 10:59	1:09	5:09
" 11:16	1:46	5:46	6.0	Burkeys Corner	" 10:53	1:03	5:03
" 11:22	1:52	5:52	8.1	Monitor P. O.	" 10:16	12:48	4:48
" 11:29	1:59	5:59	9.3	Red Bridge	" 10:11	12:41	4:41
Ar. 11:40	2:10	6:10	12.5	Cashmere	Lv. 10:00	12:30	4:30

Explanatory notes:

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

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

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

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

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE
of
Walter A. Keys, (Certificate No. 89)
Operating under Trade Name of
Wenatchee-Cashmere Stage Line

MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE
Between
Wenatchee, Wash., and Cashmere, Wash.
With Terminal Depots at
123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere
via the following route:
West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967
Effective June 10, 1967
Issued by **Walter A. Keys**
Title, Owner and Manager
St. Address, **123 So. Wenatchee Ave.**
City and State, **Wenatchee, Washington**
Authority
M. V. L. S. N. No. 400
Dated June 8, 1967

WESTBOUND

Mileage	From Wenatchee to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Wenatchee	Lv. 7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge	" 7:08	8:38	11:08	1:38	3:38	5:38	9:38
3.3	Olds Corner	" 7:09	8:39	11:09	1:39	3:39	5:39	9:39
4.4	Sunnyslope Bridge	" 7:12	8:42	11:12	1:42	3:42	5:42	9:42
6.0	Burkeys Corner	" 7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O.	" 7:23	8:53	11:23	1:53	3:53	5:53	9:53
9.3	Red Bridge	" 7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere	Ar. 7:40	9:10	11:40	2:10	4:10	6:10	10:10

EASTBOUND

Mileage	From Cashmere to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Cashmere	Lv. 8:00	9:30	12:30	2:30	4:30	6:30	10:15
3.1	Red Bridge	" 8:11	9:41	12:41	2:41	4:41	6:31	10:26
4.4	Monitor P. O.	" 8:16	9:46	12:46	2:46	4:46	6:36	10:31
6.5	Burkeys Corner	" 8:22	9:52	12:52	2:52	4:52	6:42	10:37
8.1	Sunnyslope Bridge	" 8:29	9:59	12:59	2:59	4:59	6:49	10:44
9.2	Olds Corner	" 8:31	10:01	1:01	3:01	5:01	6:51	10:46
9.8	Wenatchee River Bridge	" 8:33	10:03	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee	Ar. 8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

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

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

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

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

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

[Statutory Authority: RCW 80.01.040, 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-060, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-060, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

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

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

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage

liability certificate of insurance," filed in triplicate with the commission.

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

(4) Form of surety bond.

Know all men by these presents:

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

Signed, sealed and dated this day of 19. . .

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

SCHEDULE

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

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

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

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

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

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

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

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and

Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal
.....
.....
Surety

[Statutory Authority: RCW 80.01.040, 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-070, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-070, filed 7/11/84; Order R-109, § 480-30-070, filed 10/19/77; Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.]

WAC 480-30-080 Self insurance. (1) Every auto transportation company which qualifies as a self-insurer under the provisions as set forth in RCW 81.68.065, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance or surety bond under the rules and regulations as herein set forth: *Provided, however,* That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the commission operating under the said self-insuring authority; and that the same is now in full force and effect.

Every auto transportation company qualified and acting under the self-insurer provisions of RCW 81.68.065, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-30-070(1).

[Order R-5, § 480-30-080, filed 6/6/69, effective 10/9/69.]

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

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

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

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

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an

(1997 Ed.)

appropriate destination sign in letters not less than three inches in height.

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

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

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

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

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

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

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules.

[Statutory Authority: RCW 80.01.040, 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-090, filed 7/11/84; Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.]

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

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

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

[Statutory Authority: RCW 80.01.040, 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-095, filed 5/5/94, effective 6/5/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-095, filed 12/31/91, effective 1/31/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-095, filed 2/23/89. Statutory Authority: RCW 81.68.030, 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-095, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030, 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.]

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

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

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

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

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

WAC 480-30-100 Operation of motor vehicles. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383 and part 391, excluding section 391.2, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except carriers operating exclusively in intrastate commerce:

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

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

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

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

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

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

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

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

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

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

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

(10) Except when specially authorized by the commission, no motor vehicle used in the transportation of passen-

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

(11) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

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

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

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

[Statutory Authority: RCW 80.01.040. 94-14-013 (Order R-421, Docket No. T-940589), § 480-30-100, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-100, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-100, filed 10/31/90, effective 12/1/90; 90-13-119 (Order R-319, Docket No. TC-900312-R), § 480-30-100, filed 6/21/90, effective 7/22/90; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-30-100, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-100, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-30-100, filed 11/7/85; 85-20-047 (Order R-241, Cause No. TC-1904), § 480-30-100, filed 9/25/85; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-100, filed 7/11/84. Statutory Authority: RCW 81.68.030. 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-100, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-100, filed 8/14/80; Order R-5, § 480-30-100, filed 6/6/69, effective 10/9/69.]

WAC 480-30-105 Depot and terminal facilities.

Auto transportation companies shall, by order of the commission, be required to establish and/or maintain facilities in any city, town or location along their route or routes as shall be necessary to provide for the comfort and safety of their patrons.

[Order R-13, § 480-30-105, filed 11/28/69; Order R-8, § 480-30-105, filed 9/11/69.]

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

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

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property owned by it, the value of which is or should properly be included in its **fixed capital accounts**.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include **all** revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **fixed capital accounts** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., **unless** the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used **exclusively** in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are owned by the reporting company.

D—Rentals received from other transportation companies for the right to use stations owned by the reporting company, used in its auto transportation operations and included in the **fixed capital accounts** thereof.

E—Revenue received from advertising in stations and cars.

The intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) Nonoperating revenue: Is that revenue received as a return on property owned by the reporting company, the value of which is not included in the **fixed capital accounts** of its "auto transportation" or "independent" operations. Principal items:

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

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the **fixed capital accounts** of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the **fixed capital accounts** of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-110, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-110, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249),

§ 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.]

WAC 480-30-120 Uniform system of accounts and annual reports. (1) A uniform system of accounts is hereby adopted and prescribed for the use of Class I auto transportation companies in the state of Washington operating under chapter 81.68 RCW. Said uniform system of accounts is entitled "uniform system of accounts for Class I auto transportation companies operating under certificates."

(2) The various auto transportation companies shall all be classified as Class I.

(3) Each auto transportation company must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) of this section, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company must secure from the commission two copies of the annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) of this section must be filed immediately covering the period from the first of the year to the date on which the auto transportation company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company operated and shall show on the face thereof the exact period covered thereby.

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

[Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-30-120, filed 12/15/89, effective 1/15/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-120, filed 7/11/84. Statutory Authority: RCW 80.01.040 and 81.68.030. 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.]

WAC 480-30-130 Rules and regulations—General application. (1) The above rules and regulations are for general application only, and are subject to such changes and

modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

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

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

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

Chapter 480-35 WAC

LIMOUSINE CHARTER PARTY CARRIERS

WAC

480-35-010	Definitions.
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WAC 480-35-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Person or persons" means an individual, a corporation, association, joint stock association, or partnership, or their lessees, trustees, or receivers.

(3) "Public highway" includes every public street, road, or highway in this state.

(4) "Motor vehicle" means every self-propelled vehicle, commonly referred to as a limousine, with seating capacity for four to sixteen persons, excluding the driver.

(5) Subject to the exclusions of subsection (7) of this section, "limousine charter party carrier of passengers" means every person engaged in the transportation of a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin.

(6) "Chauffeur" means any person with a valid Washington state driver's license authorized by the Washington

utilities and transportation commission to drive a limousine under this chapter.

(7) The provisions of this chapter do not apply to:

(a) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs when operated as such;

(b) Private passenger vehicles carrying passengers on a noncommercial enterprise basis;

(c) Charter party carriers of passengers under chapter 81.70 RCW.

[Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-010, filed 11/13/89, effective 12/14/89.]

WAC 480-35-020 Licenses. No motor vehicle shall be operated upon the public highways of this state by any commercial limousine operator until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-020, filed 11/13/89, effective 12/14/89.]

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.]

WAC 480-35-040 Applications. (1) All applications for certificates or registration shall be on forms to be furnished by the commission, giving all information therein requested, certified, and accompanied by a filing fee named in subsection (2) of this section.

(2) Miscellaneous fees:

Original application for certificate	\$150.00
Application for extension of certificate	150.00
Application to sell, lease, mortgage, or transfer a certificate	150.00
Application for issuance of duplicate certificate	5.00

(3) 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.

(4) 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. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-040, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-040, filed 11/13/89, effective 12/14/89.]

WAC 480-35-050 Liability and property damage insurance. (1) Within ten days after the date of the order granting an application for certificate, and before such

certificate shall issue, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington covering each motor vehicle used or to be used by such applicant in the following sums:

	Effective 9/1/89	Effective 1/1/91
(a) Minimum amount for bodily injuries to one person	\$ 100,000	\$ 100,000
(b) Minimum amount for bodily injuries to all persons injured in any one accident	\$ 600,000	\$1,000,000
(c) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000

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

(2) Evidence of insurance shall be submitted on a "Form E" uniform motor carrier bodily injury and property damage liability certificate of insurance.

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

[Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-050, filed 11/13/89, effective 12/14/89.]

WAC 480-35-060 Self-insurance. (1) Every limousine charter party carrier of passengers which qualifies as a self-insurer under the provisions as set forth in section 10, chapter 283, Laws of 1989, may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: *Provided, however,* That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every limousine charter party carrier qualified and acting under the self-insurer provisions of section 10, chapter 283, Laws of 1989, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-35-050(1).

[Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-060, filed 11/13/89, effective 12/14/89.]

WAC 480-35-070 Equipment of motor vehicles. (1)

Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

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

[Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-070, filed 11/13/89, effective 12/14/89.]

WAC 480-35-080 Operation of motor vehicles. (1)

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

(2) Qualifications of chauffeurs—Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 383, Part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b), in effect on January 1, 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 81.90 RCW, except for, to those limousine charter party carriers operating exclusively in intrastate commerce:

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

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

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, code of Federal Regulations, Part 395, in effect on January 1, 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 81.90 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any limousine charter party carrier of passengers operating under chapter 81.90 RCW, resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119. Copies of written reports of all accidents, including those described in

this subsection, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-080, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-080, filed 11/13/89, effective 12/14/89.]

WAC 480-35-090 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.90 RCW, shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 392, Part 393, Part 396, as well as and including all appendices and amendments thereto, in effect on January 1, 1994, are adopted and prescribed by the commission to be observed by all limousine charter party carriers of passengers operating under chapter 81.90 RCW. Exception: Limousine charter party carriers operating exclusively in intrastate commerce shall not be subject to those provisions of Parts 392, 393 and 396 which are specifically applicable to heavy vehicles (over 10,000 gross vehicle weight) or to buses with seating capacity greater than sixteen passengers (excluding the driver).

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

(3) The federal rules referenced in this chapter are available for inspection at the utilities and transportation branch of the Washington state library, located in conjunction with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to any pertinent charge. Copies may also be obtained from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

[Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-090, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-090, filed 11/13/89, effective 12/14/89.]

WAC 480-35-100 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 law enforcement agents and the commission's representatives.

(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 a supplemental receipt, if it has registered, showing the states for which the carrier has registered.

[Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-100, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-100, filed 11/13/89, effective 12/14/89.]

WAC 480-35-110 Registration of interstate authority. (1) It shall be unlawful for any limousine charter party carrier of passengers to perform interstate transportation service for compensation upon the public roadways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee.

[Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-110, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-110, filed 11/13/89, effective 12/14/89.]

WAC 480-35-120 Identification decals—Intrastate limousine charter party carrier operations. (1) For the purpose of identification and information of the public, all motor vehicles, except short-term substitute or emergency vehicles, while being operated in intrastate commerce under certificate, shall have displayed on the vertical surface of the

left side of the rear bumper, in the proximity of the license plate, a reflectorized decal to be issued by the Washington utilities and transportation commission. In the event a certificate is revoked or canceled or the equipment sold, the carrier shall immediately remove the decal from its vehicle or vehicles.

(a) Where a vehicle is permanently substituted for one that has been destroyed or has been permanently withdrawn from ownership or possession of the permittee, a replacement decal must be purchased and displayed as shown above. Cost of the replacement decal shall be three dollars.

(b) Permittees shall be allowed to rent or lease vehicles to meet short-term or emergency situations of thirty days or less. In these cases, a copy of the rental or lease agreement must be carried within the vehicle. In addition, an unassigned cab card displaying proof of payment of regulatory fees and a temporary decal shall be obtained from the commission. The unassigned cab card must be carried in the vehicle and the temporary decal must be displayed in the lower right corner of the windshield. The regulatory fee for this purpose shall be twenty dollars and the cost of the decal shall be three dollars.

(2) An application for a sufficient number of decals shall be filed with the commission, accompanied by the necessary decal and regulatory fee. New decals shall be issued each year and the cost of the decal shall be three dollars.

(3) The annual regulatory fee shall be established by general order of the commission before November 1 of any year when circumstances so require, but the fee shall not exceed the cost of supervising and regulating such carrier.

(4) The annual decal and regulatory fee shall be collected from each limousine charter party carrier holding a certificate. The fee shall be due and payable on or before December 31 of each year, to cover the ensuing year beginning February 1.

[Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-120, filed 6/23/94, effective 7/24/94; 90-17-047 (Order R-326, Docket No. TL-900359), § 480-35-120, filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-120, filed 11/13/89, effective 12/14/89.]

Chapter 480-40 WAC

PASSENGER CHARTER CARRIERS

WAC

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 480-40-033 Equipment operated. [Order R-12, § 480-40-033, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
- 480-40-036 Records. [Order R-12, § 480-40-036, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
- 480-40-039 Tariffs. [Order R-72, § 480-40-039, filed 4/23/75; Order R-14, § 480-40-039, filed 1/6/70; Order R-12, § 480-40-039, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
- 480-40-080 Fees and gross operating revenue. [Statutory Authority: RCW 80.01.040 and 81.70.130. 84-15-024 (Order R-216, Cause No. TCH-1787), § 480-40-080, filed 7/11/84; Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
- 480-40-090 Rules and regulations. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-40-090, filed 12/23/87; Order R-12, § 480-40-090, filed 11/28/69; Order R-5, § 480-40-090, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.
- 480-40-140 Cards—Return required—Loss of—Improper use of cards or stamps. [Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-140, filed 8/26/88.] Repealed by 94-14-015 (Order R-417, Docket No. TC-940125), filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040.

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

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

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

(4) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers.

(5) "Public highway" includes every public street, road or highway in this state.

(6) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons excluding the driver.

(7) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(8) Subject to the exclusion of subsection (10) of this section, "excursion service carrier" means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area, to any other location within the state of Washington and returning to that origin. The service shall not pick up or

drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(9) "Area" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(10) This chapter does not apply to:

(a) Persons operating motor vehicles wholly within the limits of incorporated cities;

(b) Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, when operated as such;

(c) Passenger vehicles carrying passengers on a noncommercial enterprise basis;

(d) Operators of charter boats operating on waters within or bordering this state.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-010, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-010, filed 8/26/88; Order R-72, § 480-40-010, filed 4/23/75; Order R-12, § 480-40-010, filed 11/28/69; Order R-5, § 480-40-010, filed 6/6/69, effective 10/9/69.]

WAC 480-40-015 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 May 16, 1994.

(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 April 1, 1994.

(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. 94-14-014 (Order R-420, Docket No. T-940457), § 480-40-015, filed 6/23/94, effective 7/24/94; 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 480-40-020 Licenses. No motor vehicle shall be operated upon the public highways of this state by any charter party carrier or excursion service carrier of passengers until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to motor vehicle licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-020, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-020, filed 8/26/88; Order R-12, § 480-40-020, filed 11/28/69; Order R-5, § 480-40-020, filed 6/6/69, effective 10/9/69.]

WAC 480-40-030 Certificates. (1) No person may operate, establish, or engage in the business of a charter

party carrier 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.]

WAC 480-40-040 Liability and property damage insurance.

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

CHARTER PARTY CARRIER OF PASSENGERS				
	Effective 6/9/88	Effective 6/9/88	Effective 7/1/90	Effective 7/1/90
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$ 500,000	\$2,500,000	\$1,000,000	\$5,000,000
(4) Minimum amount for loss or damage in any one accident to				

property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
EXCURSION SERVICE COMPANY				
	Effective 5/1/90	Effective 5/1/90	Effective 6/1/92	Effective 6/1/92
(1) Passenger seating capacity	16 or less	17 or more	16 or less	17 or more
(2) Minimum amount for bodily injuries to one person	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
(3) Minimum amount for bodily injuries to all persons injured in any one accident	\$ 500,000	\$2,500,000	\$1,000,000	\$5,000,000
(4) Minimum amount for loss or damage in any one accident to property of others	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000

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

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

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

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-040, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-040, filed 8/26/88; Order R-110, § 480-40-040, filed 10/19/77; Order R-12, § 480-40-040, filed 11/28/69; Order R-5, § 480-40-040, filed 6/6/69, effective 10/9/69.]

WAC 480-40-050 Self insurance. (1) Every charter party carrier or excursion service carrier of passengers which qualifies as a self-insurer under the provisions as set forth in RCW 81.70.290 may upon proper application to the commission be exempt from all provisions relative to liability and property damage insurance under the rules and regulations as herein set forth: *Provided, however,* That with said application shall be filed a certified copy of the order of the Interstate Commerce Commission showing that the said applicant has qualified under the Interstate Commerce Act as a self-insurer; and a further certification that said company was at the time of the application to the Washington utilities and transportation commission operating under the said self-insuring authority; and that the same is now in full force and effect.

(2) Every charter party carrier or excursion service carrier qualified and acting under the self-insurer provisions of RCW 81.70.290, who may thereafter have all rights as self-insurer cancelled by the Interstate Commerce Commission, shall coincidentally upon the effective date of the order

cancelling such right, file with the Washington utilities and transportation commission the proper liability and property damage insurance or surety bond as provided for in WAC 480-40-040(1).

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-050, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-050, filed 8/26/88; Order R-12, § 480-40-050, filed 11/28/69; Order R-5, § 480-40-050, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-060, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-060, filed 8/26/88; Order R-12, § 480-40-060, filed 11/28/69; Order R-5, § 480-40-060, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

WAC 480-40-070 Operation of motor vehicles. (1)

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

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 382, 383 and 391, excluding paragraphs (a) and (b) of section 391.2, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW except relating to those carriers operating exclusively in intrastate commerce:

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

(b) With respect to the limited exemptions prescribed in section 391.65, the time periods identified in this section shall have as a starting date the effective date of this rule.

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW.

(4) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier or excursion service carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(5) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in

subsections (2) and (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(6) The federal rules referenced in this chapter are available for inspection at the utilities and transportation branch of the Washington state library, located in conjunction with the commission's headquarters office. Copies may be obtained upon request from the secretary of the commission, subject to any pertinent charge. Copies may also be obtained from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-070, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-070, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-070, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-070, filed 8/26/88; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-40-070, filed 11/7/85. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-070, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.]

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

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, and part 396 are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW. Exception: All passenger charter carriers or excursion service carriers of passengers operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2 and 393.76. Further, with respect to section 396.11, no driver vehicle inspection report need be filed if no defects are found.

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

[Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-075, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-075, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-075, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-075, filed 8/26/88. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-075, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-075, filed 8/14/80.]

WAC 480-40-100 Out-of-service criteria. All drivers operating motor vehicles under chapter 81.70 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commis-

sion shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

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

WAC 480-40-110 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 law enforcement agents and the commission's representatives. In the alternative, the carrier shall first purchase a valid trip permit as provided in WAC 480-40-130.

(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 a supplemental receipt, if it has registered, showing the states for which the carrier has registered.

[Statutory Authority: RCW 80.01.040, 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-110, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-110, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-110, filed 8/26/88.]

WAC 480-40-120 Registration of interstate authority. (1) It shall be unlawful for any charter party carrier or excursion service carrier of passengers to perform any interstate transportation service for compensation upon the public highways 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.

(2) Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee.

[Statutory Authority: RCW 80.01.040, 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-120, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-120, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-120, filed 8/26/88.]

WAC 480-40-130 Regulatory fees—Receipt—Intrastate passenger charter carriers and excursion service carriers. (1) Every passenger charter carrier or excursion service carrier operating in intrastate commerce shall pay an annual regulatory fee as established by general order of the commission, but not to exceed the cost of supervising and regulating such carriers. Such fee shall be collected annually from each passenger charter carrier and excursion service carrier holding a certificate.

(2) Passenger charter carriers and excursion service carriers operating in intrastate commerce shall state the number of vehicles operated in this state, provide other required information and submit appropriate fees.

(3) Upon payment of annual regulatory fees, a receipt will be issued to the passenger charter carrier or excursion service carrier. The receipt will authorize passenger charter carriers or excursion service carriers to operate over the public roadways of this state. The receipt shall be subject to inspection by the commission's representatives at the carrier's principal place of business.

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

(5) All receipts issued for a particular calendar year expire December 31 of each succeeding year. However, a receipt may be issued for the ensuing calendar year on or after the first day of October preceding, and may be used from the date of issue.

[Statutory Authority: RCW 80.01.040, 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-130, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-130, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-130, filed 8/26/88.]

Chapter 480-51 WAC
COMMERCIAL FERRIES

WAC

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WAC 480-51-010 General. (1) Commercial ferries shall comply with the terms of this chapter in addition to rules prescribed by the commission for public service companies in general.

(2) This chapter is subject to such exceptions as the commission may consider just and reasonable in individual cases.

(3) Application for exception to any of the rules of this chapter shall be made in accordance with the following:

(a) Application must be directed to the commission at its Olympia headquarters office;

(b) The application must be legibly presented on 8-1/2 inch by 11 inch paper, on one side of each sheet only;

(c) The applicant must identify the rule to which exception is sought and give a full explanation of the reasons for requesting the exception.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4), 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-010, filed 10/18/95, effective 11/18/95.]

WAC 480-51-020 Definitions. For the purposes of these rules, the following definitions shall apply:

(1) The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

(2) The term "certificated commercial ferry" means a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.

(3) The term "common carrier ferry vessel" means a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of

passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.

(4) The term "vessel" includes every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(5) The term "transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

(6) The term "transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and that passenger's baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

(7) The term "for hire" means transportation offered to the general public for compensation.

(8) The term "transfer" means sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.

(9) The term "launch service" means transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.

(10) The term "person" means any natural person or persons or any entity legally capable of taking any action.

(11) The term "published schedule" means a time schedule that is published by the certificate holder and filed with the commission in accordance with the provisions of WAC 480-51-090.

(12) For the purposes of these rules, where the terms "United States Coast Guard" and/or "Coast Guard" are used, the term "Washington state department of labor and industries, marine division" shall be substituted if the commercial ferry boat operates on Washington state waterways not subject to Coast Guard regulation or if the vessel itself is subject to department of labor and industries, marine division, rules and regulations rather than those of the United States Coast Guard.

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4), 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-020, filed 10/18/95, effective 11/18/95.]

WAC 480-51-022 Exempt vessels and operations. The rules of this chapter do not apply to the following vessels or operations:

- (1) Charter services;
- (2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;
- (3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;
- (4) Excursion services that:
 - (a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;
 - (b) Do not depart from the point of origin on a regular published schedule;
 - (c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;
 - (d) Use vessels that do not return to the point of origin on the day of departure; or
 - (e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-022, filed 10/18/95, effective 11/18/95.]

WAC 480-51-025 General operation. (1) Commercial ferries must comply with all pertinent federal and state laws, chapter 81.84 RCW, and the rules of this commission.

(2) No certificated commercial ferry shall provide service subject to the regulation of this commission without first having obtained from the commission a certificate declaring that public convenience and necessity require, or will require, that service.

(3) No company may operate any vessel providing excursion service subject to the regulation of this commission over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(4) Any operator holding unrestricted commercial ferry authority may provide excursion service on an existing route without the need to obtain additional authority. The commission may restrict grants of commercial ferry authority to operations in excursion service.

(5) Any certificate of public convenience and necessity obtained by any false affidavit, statement or misrepresentation shall be subject to revocation and cancellation by this commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-025, filed 10/18/95, effective 11/18/95.]

WAC 480-51-030 Applications. (1) Any person desiring to operate a commercial ferry which is required by the provisions of chapter 81.84 RCW to be certificated, to acquire a controlling interest in, or to acquire by transfer any certificate, shall file with the Washington utilities and

transportation commission an application for a certificate of public convenience and necessity on a form furnished by the commission. Applications shall include, but are not limited to the following:

- (a) Pro forma financial statement of operations;
 - (b) Ridership and revenue forecasts;
 - (c) The cost of service for the proposed operation;
 - (d) An estimate of the cost of the assets to be used in providing service;
 - (e) A statement of the total assets on hand of the applicant that will be expended on the proposed operation; and
 - (f) A statement of prior experience, if any, in providing commercial ferry service.
- (2) Certificate holders wishing to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property in this state shall comply with chapter 81.08 RCW, as amended, and with all pertinent commission rules.

(3) Application fees:

Original application for certificate	\$200.00
Application for extension of certificate	200.00
Application to transfer a certificate	200.00
Application for issuance of a duplicate certificate	3.00
Application for temporary certificate	200.00

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-030, filed 10/18/95, effective 11/18/95.]

WAC 480-51-040 Notice of application—Protests—Contemporaneous applications.

(1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

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

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

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly con-

sidered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

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

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

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

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-040, filed 10/18/95, effective 11/18/95.]

WAC 480-51-050 Waiver of ten-mile restriction.

(1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

- (a) Transportation congestion mitigation;
- (b) Air quality improvement; and
- (c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) Effective period of waiver.

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(6) **Certificates containing waiver.** Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

"Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date."

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-050, filed 10/18/95, effective 11/18/95.]

WAC 480-51-060 Temporary certificates. (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested temporary certificate, the commission will consider evidence of the following factors:

- (a) An immediate and urgent need for the requested service;
- (b) Any available service capable of meeting the need;
- (c) The fitness of the applicant; and
- (d) Any other circumstance indicating that a grant of temporary authority is consistent with the public interest.

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

- (a) The application fee;
- (b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;
- (c) Evidence of proper insurance as required by WAC 480-51-070;

(d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific

grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) 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.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-060, filed 10/18/95, effective 11/18/95.]

WAC 480-51-070 Insurance. (1) Liability and property damage insurance or surety bond.

(a) Prior to the commission issuing a certificate, and prior to the commission issuing a registration to a common carrier ferry operating passenger-carrying vessels, each applicant shall file with the commission evidence of currently effective liability and property damage insurance or a surety bond, the form of which is set out below, written by a company authorized to write such insurance or bond in the state of Washington, covering each vessel to be used under the certificate or registration granted. Coverage shall be for not less than the following amounts:

\$100,000	for any recovery for personal injury by one person, and
\$1,000,000	for all persons receiving personal injury and property damage by reason of one act of negligence, and
\$50,000	for damage to property of any person other than the insured, or
\$1,000,000	combined bodily injury and property damage liability insurance.

(b) Evidence of insurance shall be submitted on either a certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverage as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the operator must file the required certificate of insurance.

(c) Form of surety bond.

"Know all persons by these presents:

That we _____ of the City of _____, State of Washington, as principal, and _____ a corporation organized and existing under and by virtue of the Laws of the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum or lawful money of the United States of America, upon each and every vessel operated by the principal herein in the amounts as set out in the schedule above for the payment of which well and truly to be made, do hereby bind

ourselves, or heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this ____ day of ____ 19__.

This bond is written in pursuance of and is to be construed in accordance with chapter 81.84 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operations of any and all vessels operated by the company (principal herein) under and by virtue of its certificate or registration granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

\$100,000	<i>for any recovery for personal injury by one person and</i>
\$1,000,000	<i>for all persons receiving personal injury and property damage by reason of one act of negligence, and</i>
\$50,000	<i>for damage to property of any person other than the insured, or</i>
\$1,000,000	<i>combined bodily injury and property damage liability.</i>

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provision of chapter 81.84 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of vessels in transporting persons and property for compensation, under its Certificate of Public Convenience and Necessity or registration issued by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until thirty (30) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

Principal

Surety"

(2) **Insurance, continuance of.** Proper evidence of continued insurance or surety bond shall be filed with the commission not less than ten days prior to the termination date of coverage then on file so there is no question of continuous coverage as required by law.

(3) **Insurance termination.**

(a) All insurance policies issued under the requirements of chapter 81.84 RCW shall provide that the coverage shall continue in full force and effect unless and until cancelled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company. The thirty days' notice period runs from the date the notice is actually received by the commission. Exception: Binders may be cancelled on ten days' written notice.

(b) Notice of cancellation or expiration shall be submitted in duplicate and shall not be submitted more than sixty days before the intended termination date, except that binders may be cancelled by written notification from the insurance agency or insurance company on ten days' written notice.

(4) Involuntary suspension—Cancellation.

(a) **Involuntary suspension.** No certificate holder and no registered passenger-carrying common carrier may operate in this state without the required insurance. Any certificate holder or registered passenger-carrying common carrier who fails to maintain evidence that its insurance is in current force and effect shall have its certificate or registration suspended by operation of law beginning with the time of the failure.

(i) A person whose certificate or registration is suspended may secure reinstatement of the same by correcting conditions leading to suspension.

(ii) A certificate or registration holder may contest suspension by requesting a brief adjudication or an adjudication.

(iii) The suspension shall last until the cause of the suspension is cured and the certificate or registration is reinstated or until the certificate or registration is cancelled.

(b) Cancellation.

(i) The commission may cancel a certificate or registration for failure to demonstrate that the holder has corrected the conditions leading to suspension with the time defined in the order of suspension.

(ii) The commission will hold a hearing prior to canceling a certificate or registration, except when cancellation results from failure to correct causes of a suspension in which an adjudicative or brief adjudication was held or was available to the certificate or registration holder.

(5) All persons holding certificates on the effective date of this rule shall, within sixty days of the effective date, file evidence of proper insurance with the commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-070, filed 10/18/95, effective 11/18/95.]

WAC 480-51-075 Safety. (1) No commercial ferry shall operate any vessel that has not been inspected by the United States Coast Guard and certified to be safe and seaworthy for its intended operation.

(2) Each commercial ferry shall maintain in its main office a copy of the most current certificate issued for each vessel operated.

(3) The commission may periodically require commercial ferry operators to provide proof that each vessel operated has been inspected and found to be safe and seaworthy. Such proof may be contained on the annual report form required by WAC 480-51-100.

(4) No commercial ferry shall augment its fleet with a vessel leased, borrowed, or obtained from another party unless the commercial ferry operator first obtains proof that the vessel has been inspected within the past twelve months and found to be safe and seaworthy for its intended purpose. A copy of the inspection certificate must be maintained in the commercial ferry operator's files for a period of not less than twelve months following use of such vessel.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-075, filed 10/18/95, effective 11/18/95.]

WAC 480-51-077 Operators of common carrier ferry vessels—Registration—Regulations. (1) No person

shall operate a common carrier ferry vessel without first having registered with the commission and filing a tariff in accordance with the provisions of WAC 480-51-080. Registration to be made on forms supplied by the commission. Operators of passenger-carrying common carrier ferry vessels must provide evidence of insurance as required by WAC 480-51-070.

(2) Any person who operates a common carrier ferry vessel shall be required to submit annual reports and regulatory fees in accordance with the provisions of WAC 480-51-100.

(3) Operators of common carrier ferry vessels shall maintain accounts in accordance with the provisions of WAC 480-51-110.

(4) Any person operating a common carrier ferry vessel on the date this rule is adopted must file a registration application within sixty days of the effective date of the rule.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-077, filed 10/18/95, effective 11/18/95.]

WAC 480-51-080 Tariffs. (1) All commercial ferries shall file with the commission tariffs containing fair, just and reasonable rates governing the transportation services to be provided.

(a) Pursuant to Article 12, section 12 of the Washington Constitution and RCW 81.28.180 and 81.28.190, rates contained in commercial ferry tariffs must be nondiscriminatory and nonpreferential.

(b) Tariffs may provide for variations within a band of rates, and may provide for exceptions and conditions in defined circumstances.

(2) Operators of commercial ferries shall prepare, publish, file and reissue their tariffs in accordance with the provisions of the commission's Tariff Circular No. 6.

(3) Tariffs must be issued in the registered name of the operator and must show its certificate or registration number.

(4) Tariffs must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-080, filed 10/18/95, effective 11/18/95.]

WAC 480-51-090 Time schedules. Each certificate holder, excluding launch services, shall publish and file with the commission, time schedules showing all service given under their certificate and the manner in which it is available, as follows:

(1) Time schedules shall be typewritten or printed on 8-1/2 x 11 inch paper.

(2) The title page of each time schedule must show the following (see sample time schedule in subsection (8) of this section):

(a) A consecutive number in the upper right hand corner, indicating the number of the current version of the time schedule (beginning with Number 1), and must show the number of the time schedule cancelled thereby, if any.

(b) The name of the certificate holder, approved trade name under which operation is conducted, and the number of the certificate.

(c) The termini or points between which the time schedule applies, briefly stated.

(d) A definite statement of the regular route or routes traversed including all intermediate stops and the names and locations of all docks and landings used along the route.

(e) The date when the time schedule is issued, posted and filed with the commission and the date when the time schedule is to become effective.

(f) The name, title and address (including both street address and mailing address, if different from street address) of the official issuing the time schedule.

(3) Time schedules must show (see sample time schedule in subsection (8) of this section):

(a) The time of **Arrival** and **Departure** at and from all **Points Served**.

(b) The **Days** upon which each trip will be given.

(c) The **Distance** between all points shown in the schedule.

(e) Any limitations of service contained in the certificate and any restriction or limitation of the service given at or between the points shown as served.

(4) At least one copy of each time schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(5) Two copies of each time schedule shall be filed with the commission at its Olympia headquarters on or before the date shown as the date of its issuance.

(6) Changes in the operation under a certificate which affect in any way the information or service shown in the time schedule then in effect must be made only after a new time schedule has been issued and been made effective as follows:

(a) A new time schedule must be issued, bearing the next consecutive number, and stating the number of the time schedule cancelled thereby as provided in subsection (2) of this section, as for example:

"Time Schedule No. 2

cancels

Time Schedule No. 1"

(b) **Notice period required.** Copies of the new time schedule shall be posted and filed, in accordance with subsections (3) and (4) of this section, at least fifteen days before the effective date thereof. *Exception:* If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, the filing must be made with the commission not less than one full day before the effective date and advance notice to the public will not be required.

(c) After such fifteen days, the new time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

(d) The commission may, prior to the effective date of a new time schedule, on its own motion or on the filing of a sufficient protest by any person or persons affected, order the time schedule withdrawn, modified or suspended.

(e) In case of actual emergency or when real merit is shown, the commission may, in its discretion, permit a time schedule to become effective on less than fifteen days notice.

(7) Time schedules as filed with the commission and posted for the information of the public must be adhered to.

(8) Sample time schedule:

*Time Schedule No. 2
cancels
Time Schedule No. 1*

*TIME SCHEDULE
of
NELS PETERSON*

Certificate No. 500

*Operating Under Trade Name of
PUGET FERRIES
Furnishing
passenger, freight and ferry service
Between
PONSEND, Washington, and BELL, Washington
via
CORTANA
With terminals at*

PONSEND: Puget Dock, Foot of Puget St.

CORTANA: Dock at 912 Water St.

BELL: Pier 4, Foot of Victoria Way

Issued January 1, 1995

Effective January 16, 1995

*Issued by J. B. Doe, Manager
912 Water Street
Cortana, Washington*

<i>Northbound (Daily, except Sunday)</i>				
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>
0.0	Lv. PONSEND	7:30	2:30	5:30
18.5	Lv. CORTANA	8:45	3:45	6:45
32.5	Ar. BELL	9:30	4:30	7:30

<i>Southbound (Daily Except Sunday)</i>				
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>
0.0	Lv. BELL	10:00	5:00	8:00
14.0	Lv. CORTANA	10:45	5:45	8:45
32.5	Ar. PONSEND	12:00	7:00	10:00

Note 1: *In bad weather, landing will be made at Long Cove Dock instead of Cortana.*

Note 2: *Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement.*

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-090, filed 10/18/95, effective 11/18/95.]

WAC 480-51-100 Annual reports—Regulatory fees.

(1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed not later than May 1st of the succeeding year.

(2) Persons operating commercial ferries shall on or before the first day of May of each year file with the commission a statement showing the gross operating revenue of the company for the preceding calendar year. The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.030 based upon such gross operating revenue and in an amount to be fixed each year by order of the commission.

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report, a statement of the gross operating revenue, and the gross operating revenue fee as required by this section must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-100, filed 10/18/95, effective 11/18/95.]

WAC 480-51-110 Accounts. (1) The accounts and records of certificate holders shall be kept in accordance with the commission's "uniform classification of accounts and statistics for water transportation companies" including all current supplements, amendments, revisions and reissuances.

(2) The accounts, records and statistics of certificate holders must be kept reasonably up-to-date to disclose at all times the information and data required to be kept.

(3) Operators of common carrier ferry vessels shall maintain accounts, books and records sufficient to allow calculation of the gross revenue earned in providing passenger and vehicle water transportation services and sufficient to complete annual reports as required in WAC 480-51-100.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-110, filed 10/18/95, effective 11/18/95.]

WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports.

(1) Progress reports.

(a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service

between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) Extensions of time to initiate service.

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) Failure to initiate service. Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84.060(1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submitted timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the

certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) Petitions for extension of time to initiate service.

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-120, filed 10/18/95, effective 11/18/95.]

WAC 480-51-130 Indefinite discontinuance of service. No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-130, filed 10/18/95, effective 11/18/95.]

WAC 480-51-140 Temporary interruptions of service—Suspension of service. (1) Certificate holders shall report promptly in writing to the commission, and to the public along the route, all interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours. Said report to include a full statement of the cause of such interruption and its probable duration.

(2) Discontinuance or suspension of service by a certificate holder for a period of five consecutive days without notice to the commission shall be deemed a forfeit-

ture of all right secured under and by virtue of any order or permission to operate, issued by the commission: *Provided, however,* That the commission may permit the resumption of operation after such five-day discontinuance or suspension, on proper showing that the certificate holder was not responsible for the failure to give service or notice.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-140, filed 10/18/95, effective 11/18/95.]

WAC 480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission. (1) Upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, the commission may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter for any of the following grounds:

(a) Violation of an order, decision, rule, regulation, or requirement established by the commission or the requirements of law;

(b) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(c) Failure of the certificate holder to file an annual report;

(d) Filing by the certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(e) Violation of any provision of this chapter;

(f) Violation of or failure to observe the provisions or conditions of the certificate, tariffs or filed time schedule;

(g) Failure of the certificate holder to maintain the required insurance coverage in full force and effect; or

(h) Failure or refusal to furnish reasonable and adequate service after initiating service.

(2) The commission shall institute an investigation upon receipt of a complaint by an interested party to determine whether the complaint has merit.

(3) Within thirty days of a finding that a complaint filed by an interested party has merit and that the certificate holder is in violation, or upon its own finding that the certificate holder is in violation, as described in subsection (1)(a) through (h) of this section, the commission shall take appropriate action to cancel, revoke, suspend, alter or amend the certificate. The commission shall notify the certificate holder of the action to be taken, and shall at the same time offer the certificate holder an opportunity for hearing through an adjudication or brief adjudication.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-150, filed 10/18/95, effective 11/18/95.]

Chapter 480-60 WAC

RAILROAD COMPANIES—CLEARANCES

WAC

480-60-010	Application of rules.
480-60-020	Exemptions.
480-60-030	Definitions.
480-60-040	Overhead clearances.
480-60-050	Side clearances.
480-60-060	Track clearances.
480-60-070	Marking of cars.
480-60-080	Operation of excess dimension loads.
480-60-090	Narrow gauge railroads transporting freight cars.
480-60-990	Illustration—Typical clearance of structures from railroad tracks.
480-60-99001	Illustration—Typical track spacing.
480-60-99002	Table—Class of highway.
480-60-99003	Diagram—Clearance diagram for underpasses two-way highway traffic.

Reviser's note: WAC 480-60-010 through 480-60-090 as filed June 6, 1969, was to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in Supplement #3, is October 9, 1969. See also, reviser's note Title 480 WAC digest.

WAC 480-60-010 Application of rules. (1) Subsequent to December 1, 1950, in all construction and reconstruction of tracks or structures adjacent thereto, on all railroads over which freight cars are transported or proposed to be transported, the following minimum clearances shall be allowed.

(2) A railroad company shall not operate freight cars, locomotives or other rolling equipment over tracks constructed subsequent to December 1, 1950, or tracks adjacent to buildings and structures constructed or reconstructed subsequent to that date, wherein the clearances are less than those prescribed in these rules.

(3) Where specific authority has been issued for deviation from these clearances for construction occurring subsequent to December 1, 1950, but prior to the effective date of the order in Cause No. T-8499 amending clearance rules of December 1, 1950, authority so issued shall remain in effect.

(4) Overhead clearances authorized in these rules are applicable to tracks on which freight cars having a height to running board of fifteen feet six inches or less are transported. In the case of cars or loads exceeding fifteen feet six inches, WAC 480-60-070 and 480-60-080 must be complied with.

(5) Side clearances authorized in these rules are applicable to tracks on which freight cars having an overall width not greater than ten inches are transported. In the case of cars or loads exceeding ten feet ten inches, WAC 480-60-070 and 480-60-080 must be complied with.

[Order R-5, § 480-60-010, filed 6/6/69, effective 10/9/69.]

WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure or facility are less than the minimum prescribed in these rules, but where lawfully created prior to the effective date thereof, the minimum clearances prescribed herein shall be provided whenever the building, structure or facility is relocated or reconstructed; however, the Washington utilities and transportation commission will consider

specific requests for the future continuance of heretofore lawful clearances at such reconstructed building, structure or facility when application thereof has been made as provided in subsection (3).

(2) Where restricted clearances are necessary nothing herein shall be construed as preventing the movement of material over tracks when such material is necessary in the construction or maintenance of such tracks, nor in the movement of special work equipment used in the construction, maintenance or operation of the railroad, provided such movements shall be carried on under the conditions as are necessary to provide for the safety of all concerned; nor shall these rules be applicable, provided reasonable safety precautions are observed, during periods of actual emergency due to wrecks, derailments, washouts and like conditions.

(3) If in any particular case, exemption from any of the requirements herein is deemed necessary by the carrier or industry concerned, the Washington utilities and transportation commission will consider the application of such carrier or industry for such exemptions when accompanied by a full statement of the conditions existing and the reason why such exemption is asked. Any exemption so granted will be limited to the particular case covered by the application.

(4) The Washington utilities and transportation commission reserves the right to modify any of the provisions of these regulations in specific cases, when, in its opinion, safety of railroad employees, public safety, convenience or necessity would be served by so doing.

(5) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

[Order R-5, § 480-60-020, filed 6/6/69, effective 10/9/69.]

WAC 480-60-030 Definitions. (1) The overhead clearance is that distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and the lowest point of the overhead structure or obstruction.

(2) The side clearance is the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.

(3) The track clearance is the shortest distance between the centerlines of adjacent tracks.

(4) Height of a freight car is the distance between the top of rail and the top of running board.

(5) Width of a freight car is twice the distance from the centerline of the car to the extreme outside part thereof.

(6) Icing platforms: The term "icing platform" shall include structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring the above services.

(7) Constituted authority shall mean the commission.

(8) Overcrossing when used in this order means any point or place where a highway crosses a railroad by passing above the same. Clearances shall be as specified in WAC 480-60-040 (1) and (3).

(9) Undercrossing when used in this order means any point or place where a highway crosses a railroad by passing

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under the same. Existing laws pertaining to highways shall prevail.

[Order R-5, § 480-60-030, filed 6/6/69, effective 10/9/69.]

WAC 480-60-040 Overhead clearances.

(1) Overhead clearance in general 22'6"

(2) Overhead clearance in buildings 18'0"

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen feet, provided that this clearance shall apply only to tracks terminating within the building, and further provided, that when an overhead clearance of less than twenty-two feet six inches is established therein, all cars, locomotives or other equipment shall be brought to a stop before entering such enclosed building, the conditions provided to require such stop to be approved by constituted authority.

Note: Engine houses and car shops are exempt from these regulations.

(3) Overhead clearance in tunnels and bridges.

Minimum overhead clearance in tunnels and through bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly above the centerline of track.

(4) Overhead clearance - all other structures.

Minimum overhead clearance as prescribed in subsection (1) above may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly over the centerline of track.

(5) Overhead clearance of wires.

All wires in general shall have a minimum vertical clearance of not less than that specified by the safety rules for the installation and maintenance of electric supply and communication lines as provided by the rules for electrical construction and the electrical and communication workers safety rules of the state of Washington.

[Order R-5, § 480-60-040, filed 6/6/69, effective 10/9/69.]

WAC 480-60-050 Side clearances.

(1) Side clearance in general 8'6"

Note: To further reduce operational hazards, it is recommended that, wherever practicable, all posts, pipes, warning signs and other small obstructions be given a side clearance of ten feet.

Side clearance at platforms:

(2) Platforms - 8" or less above top of rail . . . 4'8"

(3) Platforms - 4'0" or less above top of rail . . . 7'3"

Note: Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.

(4) Platforms - 4'6" or less above top of rail - when used principally for loading or unloading refrigerator cars 8'0"

(5) Icing platforms and supports 7'3"

Note: Full side clearance of 8'6" must be provided on the opposite side of the service track from the platform.

(6) Platforms - other than above 8'6"

Note: Retractable platforms, either sliding or hinged, which are attached to a permanent structure shall be so designed that when

not in use no part of such retractable platform shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail.

(7) Platforms - combinations of any above.

Note: Platforms defined under (2) above may be combined with either (4) or (3) provided that the lower platform presents a level surface from a point not more than four feet eight inches from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(8) Platforms - extension of existing platforms.

Note: Platforms which were constructed at lawful clearances prior to the effective date of this order may be extended at existing clearances upon approval of constituted authority.

(9) Side clearance - bridges and tunnels 8'0"

(10) Bridges and tunnels - upper section (see WAC 480-60-040(3)).

Side clearance in through bridges and tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail directly above centerline of track.

(11) Bridges - lower section and structures 4' high or less. Through bridges supporting track affected, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions thereof, four feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five feet distant laterally from centerline of track to a point four feet above top of rail and eight feet distant laterally from centerline of track: *Provided*, That the minimum clearance for hand rails and water barrels shall be seven feet six inches and the minimum clearance for fences of cattle guards shall be six feet nine inches.

Note: Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on through bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead.

(12) Side clearance - cattle guards and cattle chutes. (See subsection (11))

(13) (a) Side clearance - warehouse doors 8'6"
(b) Side clearance - engine house and car repair shop doors 7'6"

(14) Side clearance - hand rails on bridges and trestles. (See subsection (11))

(15) Side clearance - interlocking mechanism, switch boxes, etc. 3'0"
Switch boxes, switch operating mechanism necessary for the control and operation of signals and interlockers projecting four inches or less above top of rail.

(16) Side clearance - mail cranes and train order stands when not in operative position 8'6"

(17) Side clearance - oil columns (see subsection (11)) 8'0"

(18) Side clearance - poles supporting trolley contact 8'3"
Conductors supplying motive power to track affected - of bracket construction.

(19) Side clearance - poles other than trolley poles 8'6"

(20) Side clearance - signals and switch stands 3' high or less when located between tracks where not practicable to provide clearances otherwise prescribed in these rules 6'0"

(21) Side clearance - signals and switch stands other than above 8'0"

(22) Side clearance - tunnels. (See subsection (10)) 8'0"

(23) Side clearance - water barrels on bridges (see subsection (11)).

(24) Side clearance - water columns. (See subsection (11)) 8'0"

(25) Side clearances on curved track.

Note: Side clearances adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1-1/2" for each degree of curvature.

(26) Side clearances - material or merchandise adjacent to tracks 8'6"

Note: No merchandise, material or other articles shall be placed or stored on ground or platforms adjacent to any track at a distance less than eight feet six inches from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this note impossible.

(27) Clearances - car puller units and appurtenances.

Note: Clearances shall be only as approved on application to the commission.

[Order R-5, § 480-60-050, filed 6/6/69, effective 10/9/69.]

WAC 480-60-060 Track clearances.

(1) Track clearances - in general 14'0"

The minimum distance between the centerlines of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors or like equipment, shall be fourteen feet, except as hereinafter prescribed.

(2) Track clearances - main and subsidiary tracks 15'0"

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, shall be at least fifteen feet from the centerline of such main track or passing track: *Provided, however*, That where a passing track is adjacent to and at least fifteen feet distant from the main track, any other track may be constructed adjacent to such passing track with clearance prescribed in subsection (1).

(3) Track clearances - parallel team, house or industry tracks 13'0"

Minimum clearances between centerlines of parallel team, house or industry tracks shall be thirteen feet.

(4) Track clearances - parallel ladder or ladder and other track 20'0"

The centerline of any standard gauge ladder track, constructed parallel to any other track, shall have a clearance of not less than twenty feet from the centerline of such other track.

(5) Track clearances - existing tracks.

Note: Existing tracks may be extended at clearances lawfully prescribed prior to the effective date of this order.

[Order R-5, § 480-60-060, filed 6/6/69, effective 10/9/69.]

WAC 480-60-070 Marking of cars. (1) Cars exceeding 15'6" in height.

Each car of a height exceeding fifteen feet six inches from top of rail to top of running board, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS HEIGHT"

The words "EXCESS HEIGHT" to occupy the greater portion of a rectangular space 7" x 10" enclosed within a 3/4" solid border. The markings required shall be made permanent on owned cars as soon as practicable. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners.

(2) Cars exceeding 10'10" in width.

Each car of a width exceeding ten feet ten inches, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS WIDTH"

The words "EXCESS WIDTH" to occupy the greater portion of a rectangular space 7" x 10" enclosed within a 3/4" solid border. The markings required shall be made permanent on owned cars as soon as practicable. Lettering and border of signs shall be of colors contrasting to that of the car body. All such required marking and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners.

[Order R-5, § 480-60-070, filed 6/6/69, effective 10/9/69.]

WAC 480-60-080 Operation of excess dimension loads. (1) Cars containing lading in excess of 15'6" high and/or 5'5" from centerline of car.

Each open top car containing lading of a height exceeding fifteen feet six inches above top of rail, or which extends laterally more than five feet five inches from the centerline of the car, the movement of which is hereby authorized, shall be marked, stenciled or placarded, and such markings maintained in a legible condition to read:

"This car
EXCESS
HEIGHT" or

"This car
EXCESS
WIDTH"

The words "EXCESS HEIGHT" or "EXCESS WIDTH" to occupy the greater portion of a space 7" x 10" enclosed within a 3/4" solid border. Letters and border to be of contrasting colors. All such required markings and placarding shall be placed on the side adjacent to the ladder or handholds near the floor line of the car at each of the four corners where practicable, and in addition one each of such signs shall be placed on each side of the load in a conspicuous position.

(2) Cars containing lading which extends laterally in excess of 5'5".

The movement of open top cars containing lading which extends laterally in excess of five feet five inches is hereby authorized only if the lading is of such a nature that it cannot practically be reduced in dimensions.

(3) Lading higher than 15'6" or extending laterally more than 5'5-1/2".

The movement of all open top cars having lading in excess of fifteen feet six inches in height, or which extends laterally in excess of five feet five and one-half inches from centerline of car will be authorized by written notice stating the total number of such cars and advising that no member of the train crew is required to ride on top of such high car or the side of any such wide car.

(4) A written notice shall be delivered to every train containing any car, the lading of which extends laterally in excess of 5'5-1/2" from the centerline of the car or in excess of 15'6" in height above top of rails, informing the crew of the train that the train includes such car or cars, stating the total number thereof and advising that no member of the train crew is required to ride on the side of any such wide car or top of any such high car.

(5) Notice to yard supervisors.

Yard supervisors shall be given notification sufficiently in advance of the arrival of such wide loads as described in subsection (3) as to enable them to take necessary precautions to safeguard employees in yard.

(6) Loads which cannot be passed over by employees.

Open top cars containing lading having an overall height in excess of fifteen feet six inches above top of rail, if otherwise in compliance with these requirements, and the nature of which precludes the possibility of employees passing over the cars, are exempt from the provisions of subsections (3), (4) and (5), but written notice must be given to all members of train crew informing them of the presence of such loads.

(7) Exemptions.

The common carrier railroads are hereby authorized to move excess height loads and width loads, as described in subsection (1) over roads or portions thereof, without complying with the provisions of WAC 480-60-080, provided that clearances equivalent to the minimum herein prescribed for cars having a height of fifteen feet six inches and width of ten feet ten inches are maintained.

[Order R-5, § 480-60-080, filed 6/6/69, effective 10/9/69.]

WAC 480-60-090 Narrow gauge railroads transporting freight cars. (1) Overhead and side clearances.

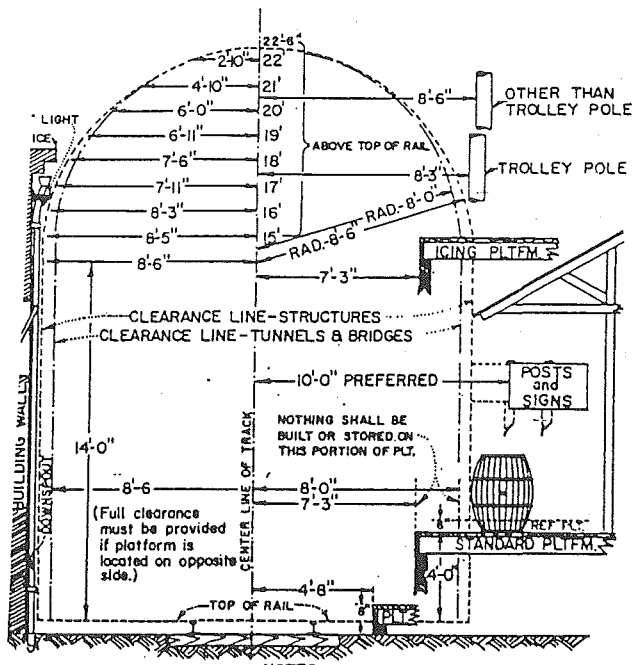
For the operation of equipment on narrow gauge tracks, the minimum overhead clearance shall provide a distance above the top of the highest car operated not less than that provided in these rules for cars fifteen feet six inches in height operated on standard gauge tracks; the side clearances and distances between centerlines of tracks shall provide a distance from the sides of, or between the widest cars operated not less than those distances herein provided for cars ten feet ten inches in width operated on standard gauge tracks.

(2) All other requirements of these rules where applicable shall be observed by narrow gauge railroads.

[Order R-5, § 480-60-090, filed 6/6/69, effective 10/9/69.]

WAC 480-60-990 Illustration—Typical clearance of structures from railroad tracks.

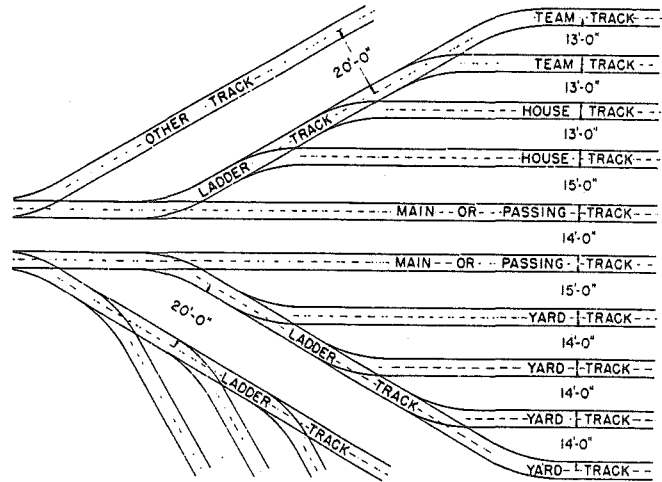
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS



[Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-60-990, filed 5/4/94, effective 6/4/94; Order R-5, Illustration (codified as WAC 480-60-990), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99001 Illustration—Typical track spacing.

TYPICAL TRACK SPACING



NOTE

EXISTING TRACKS MAY BE EXTENDED AT CLEARANCES LAWFULLY PRESCRIBED PRIOR TO THE EFFECTIVE DATE OF THIS ORDER

[Order R-5, Illustration (codified as WAC 480-60-99001), filed 6/6/69, effective 10/9/69.]

	CLASS OF HIGHWAY												FRONTAGE ROADS (c)					
	CLASS I		CLASS II		CLASS III		CLASS IV		CLASS V		CLASS VI		CLASS I	CLASS II				
TERRAIN	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL	ROLLING	MOUNT.	LEVEL	MOUNT.				
ADT IN 10 YEARS	OVER 1,000		1,000 TO 500		500 TO 200		200 TO 100		100 TO 50		50 TO 20		1,000 TO 500	500 TO 200				
DHV IN 20 YEARS	OVER 2,000		2,000 TO 1,000		1,000 TO 500		500 TO 200		200 TO 100		100 TO 50		2,000 TO 1,000	1,000 TO 500				
TRUCK ADT IN 20 YEARS	OVER 600		600 OVER 450		450 OVER 300		300 OVER 150		150 OVER 100		100 OVER 50		600 TO 450	450 TO 300				
SEPARATION OF ALL CROSS TRAFFIC REQUIRED	YES		Separate Where Cross Traffic Warrants		Separate Where Cross Traffic Warrants		NO		NO		NO		NO					
CONTROL OF ACCESS REQUIRED	FULL		According to Master Plan		According to Master Plan		According to Master Plan		NO		NO		NO					
NUMBER OF TRAFFIC LANES	4 or more (Divided)		(Divided)		2		2		2		2		2	1				
DESIGN SPEED M.P.H.	70	60	50	70	60	50	70	60	50	60	50	40	35	25	40	30	25	
CURVATURE	Desirable 4" 4"		8" 8"		4" 4"		3" 3"		4" 4"		5" 5"		8" 8"		15" 15"		20" 20"	
GRADIENT	Desirable 3% 3%		4% 4%		3% 3%		2% 2%		3% 3%		4% 4%		5% 5%		7% 7%		8% 8%	
SIGHT DISTANCE	Min Safe Stopping 600'		475'		350'		600'		475'		350'		600'		475'		350'	
TRAFFIC LANE WIDTH	12'		10'		10'		10'		10'		10'		10'		10'		10'	
SHOULDER WIDTH	10'		10'		10'		10'		10'		10'		10'		10'		10'	
MIN. MEDIAN WIDTH	15'		4'		15'		4'		15'		4'		15'		4'		15'	
PAVEMENT TYPE (b)	High		High		High		High		Intermediate or (High)		Low or (Intermediate)		Low or (None)		Low or (None)		Low or (None)	
MIN. RIGHT OF WAY WIDTH	As Required		As Required		As Required		As Required		As Required		As Required		As Required		As Required		As Required	
ILLUMINATION	As Required		As Required		As Required		As Required		As Required		As Required		As Required		As Required		As Required	
STRUCTURES (Minimum Standards)																		
Lead Capacity	H20-S16		H20-S16		H20-S16		H15-S12		H15-S12		H15-S12		H15-S12		H15-S12		H15-S12	
Vertical Clearance	14'-6" Minimum		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable		15'-0" Desirable	
Bridge Width (D to BOLLARDS)	65'		65'		65'		65'		65'		65'		65'		65'		65'	
Bridge Width (Over BOLLARDS)	36'		36'		36'		36'		36'		36'		36'		36'		36'	

NOTES:
 (a) Shoulder width may be reduced to 4 feet for short sections in heavy rock excavation.
 (b) Definitions of Pavement Types:
 High - Con. Conc. of Min. on Adequate Base
 Asphalt - 7" Min. on Con. Prepared Base
 Inter - Asphalt - Under 7" on 8" Road Hls. - 7" Min. Adequate Base
 Low - LAST - 4" Min.
 *Escarpments are possible in arid areas.
 Types in (c) should be secondary choice.
 (c) Frontage Roads: For volume over 1,000 ADT, use Class III Highway for 50 mph design speed.
 Interstate Routes: Interstate standards will apply.

TERRAIN	PER CENT SIGHT DIST. RESTRICTION	MAXIMUM DHV FOR CLASS OF HIGHWAY SHOWN														
		CLASS I	CLASS II	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III	CLASS III
LEVEL	0	900	770	640	510	380	250	120	100	80	60	40	20	10	5	2
	10	860	740	600	470	340	210	100	80	60	40	20	10	5	2	1
	20	800	690	540	410	280	150	100	80	60	40	20	10	5	2	1
ROLLING	0	900	770	640	510	380	250	120	100	80	60	40	20	10	5	2
	10	860	740	600	470	340	210	100	80	60	40	20	10	5	2	1
	20	800	690	540	410	280	150	100	80	60	40	20	10	5	2	1
MOUNT.	0	900	770	640	510	380	250	120	100	80	60	40	20	10	5	2
	10	860	740	600	470	340	210	100	80	60	40	20	10	5	2	1
	20	800	690	540	410	280	150	100	80	60	40	20	10	5	2	1

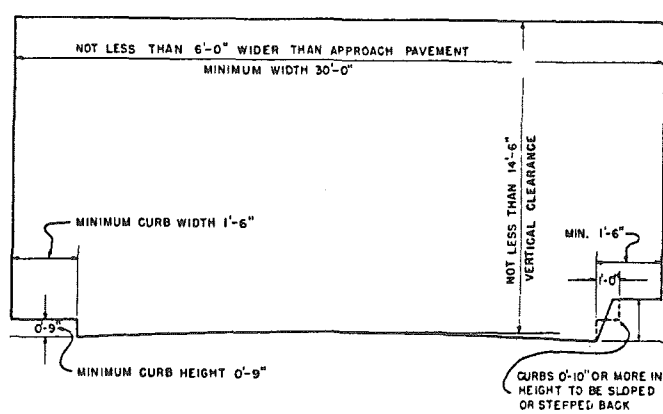
NOTES ON DESIGN CAPACITY TABLE:
 Procedure in use of table:
 1. Determine: (a) type of terrain, (b) % of length that sight distance is restricted to less than 1500 feet, (c) % of trucks, (d) DHV estimated for 20 years hence.
 2. Select the class of highway required from the table using the above four conditions.
 3. When the truck ADT requires a higher class of highway than the findings from this table indicate, the truck ADT shall govern.
 Ratio of ADT to DHV varies with every case. DHV generally averages 10% to 15% of ADT.
 Consideration should be given to climbing lanes as compared with going to a higher class of highway.
 Reference: Highway Capacity Manual.

STANDARD
 GEOMETRIC DESIGN STANDARDS
 FOR RURAL STATE HIGHWAYS
 WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 REVISED 1968
 APPROVED FEB. 11, 1971

[Order R-5, Table (codified as WAC 480-60-99002), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99003 Diagram—Clearance diagram for underpasses two-way highway traffic.

CLEARANCE DIAGRAM FOR UNDERPASS TWO-WAY HIGHWAY TRAFFIC



REFERENCE:
 STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES - THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS.

[Order R-5, Diagram (codified as WAC 480-60-99003), filed 6/6/69, effective 10/9/69.]

Chapter 480-62 WAC RAILROAD COMPANIES—OPERATIONS

WAC

- 480-62-010 Locomotive speedometers.
- 480-62-020 Traffic control devices.
- 480-62-030 Flagpersons.
- 480-62-040 Exemption.
- 480-62-050 Passenger carrying vehicles—General.
- 480-62-060 Passenger carrying vehicles—Equipment.
- 480-62-070 Passenger carrying vehicles—Operation.
- 480-62-080 Accident reports.
- 480-62-085 Annual reports.
- 480-62-090 Hazardous materials regulations.
- 480-62-100 Bridge safety rules.
- 480-62-120 Train operations—Tacoma.

WAC 480-62-010 Locomotive speedometers. (1)
 Filing required. On or before July 1, 1978, every railroad designated Class I by the Interstate Commerce Commission operating locomotive equipment within the state of Washington, shall file with the commission a list identifying all points within the state at which facilities are available for the calibration, repair or replacement of locomotive speedometers, or locomotive equipment may be available for substitution. Any changes therein shall be promptly reported to the commission to the end that the list be kept at all times current.

(2) Records. Reports of speedometers which are out of calibration to the extent of five miles per hour or more shall be made in writing, and shall be submitted at the first point within the state at which repair facilities are available or locomotive equipment with a properly calibrated speedometer may be substituted. Any such report and a record of any action taken by the railroad company in response thereto shall be maintained at the office of the division in which the report was originally filed. In addition to the foregoing, at each location in the state of Washington at which work is performed upon a locomotive speedometer, complete records shall be maintained showing the locomotive number, serial number, if any, of the speedometer, calibration data, and detail of any defect found and repair work performed. The records required to be kept shall be maintained for a period of not less than one year.

[Statutory Authority: RCW 80.01.040(4) and 81.44.031(5). 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-010, filed 4/26/78.]

WAC 480-62-020 Traffic control devices. Whenever any railroad company engages in the construction, maintenance, or repair of a crossing or overpass, traffic control devices installed and maintained in accordance with the requirements of chapter 168, Laws of 1977 ex. sess., shall be in conformity with Part I, Part II-A, and Part VI of the currently effective Manual on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator as a national standard for application on all classes of highways, all of which are hereby adopted by reference as if set out in full, together with all subsequent additions, deletions, or amendments thereto.

[Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-020, filed 4/26/78.]

WAC 480-62-030 Flagpersons. (1) Qualifications and equipment. Since flagpersons are responsible for human safety and make the greatest number of public contacts of all construction personnel, it is important that qualified personnel be selected. Flagpersons shall, as a minimum, be of average intelligence; in good physical condition, including sight and hearing; be mentally alert; have a courteous but firm manner; be of neat appearance; and have sense of responsibility for safety of public and crew.

The use of an orange vest, and/or an orange cap shall be required for flagpersons. For nighttime conditions similar outside garments shall be reflectorized.

Flagpersons are provided at work sites to stop traffic intermittently as necessitated by work progress or to maintain continuous traffic past a work site at reduced speeds to help protect the work crew. For both of these functions the flagperson shall, at all times, be clearly visible to approaching traffic for a distance sufficient to permit proper response by the motorist to the flagging instructions, and to permit traffic to reduce speed before entering the work site. In positioning flagpersons, consideration shall be given to maintaining color contrast between the flagperson's protective garments and his or her background.

(2) Hand signaling devices.

(a) General. Red flags or STOP/SLOW paddles or lights may be used in controlling traffic through work areas.

(b) Flags. Flags may be used only during daylight hours and shall be a minimum of 24 by 24 inches in size, made of a good grade of red material securely fastened to a staff approximately 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically, even in heavy winds.

(c) Sign paddles. Sign paddles shall be at least 24 inches wide, with 6 inch series C letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet metal or other light semirigid material. The background of the STOP face shall be red with white letters and border. The background of the SLOW shall be orange with black letters and border. When used at night the STOP face shall be reflectorized red with white reflectorized letters and border, and the SLOW face shall be reflectorized orange with black letters and border.

(3) Flagging procedures.

(a) To stop traffic the flagperson shall face traffic and extend the flag horizontally across the traffic lane in a stationary position so that the full area of the flag is visible hanging below the staff. For greater emphasis, the free arm may be raised with the palm toward approaching traffic.

(b) When it is safe for traffic to proceed the flagperson shall stand parallel to the traffic movement, and with flag and arm lowered from view of the driver, motion traffic ahead with his or her free arm. Flags shall not be used to signal traffic to proceed.

(c) To alert or slow traffic by means of flagging, the flagperson shall face traffic and wave the flag in a sweeping motion of the arm across the front of the body without raising the arm above a horizontal position.

If a sign paddle is used, it shall be held in a stationary position with the arm extended horizontally away from the body.

Whenever practicable, the flagperson should advise the motorist of the reason for the delay and the approximate period that traffic will be halted. Flagpersons and operators of construction machinery or trucks should be made to understand that every reasonable effort must be made to allow the driving public the right-of-way and prevent excessive delays.

[Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-030, filed 4/26/78.]

WAC 480-62-040 Exemption. WAC 480-62-020 and 480-62-030 shall not apply to construction, maintenance, or repair of crossings or overpasses situated within cities having a population in excess of 400,000.

[Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-040, filed 4/26/78.]

WAC 480-62-050 Passenger carrying vehicles—General. In addition to complying with any applicable equipment requirements of Title 46 RCW, including but not limited to those relating to motor vehicle lights and reflectors, horns, braking systems, exhaust systems, tires, warning and signaling devices, and windshield wipers, all of which are hereby adopted as minimum standards, every passenger carrying motor vehicle owned, operated and maintained by any railroad company in this state used for the purpose of transporting railroad employees other than in the cab thereof,

shall, as a minimum, be in conformity with the equipment specified in WAC 480-62-060 and operated in a manner consistent with WAC 480-62-070.

[Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-050, filed 4/26/78.]

WAC 480-62-060 Passenger carrying vehicles—Equipment. (1) Passenger compartment. Any passenger compartment separate from the cab of the vehicle shall be of metal construction fastened directly to the frame of the vehicle and not to the surface of the bed thereof. It shall be equipped with an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor shall be of substantial construction, free from unnecessary openings and shall be maintained so as to prevent the entry of noxious fumes or permeation with flammables of any variety. Such passenger compartments shall also be equipped with a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and with a tailgate which must be closed at all times that the vehicle is in motion. Truck equipment having a bed in excess of three feet six inches above ground level shall be equipped with permanent or temporary steps designed for safe boarding and discharge of passengers.

(2) Communication devices. Communication between a cab and a separated passenger compartment shall be provided by means of a light or audible device mounted in the cab of the vehicle which may be activated by an employee in the rear compartment.

(3) Coupling devices. Coupling devices used on any passenger carrying vehicle equipped with retractable flange wheels for operation on railroad tracks shall be of substantial metal construction and shall be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(4) Exhaust systems. Exhaust systems shall be designed and maintained so as to eliminate exposure of passengers to toxic agents.

(5) Rear vision mirrors. Passenger carrying vehicles shall be equipped with two external rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so located as to accord the driver a view of the highway to the rear along both sides of said vehicle: *Provided*, That only one outside mirror shall be required, which shall be on the driver's side, on vehicles which are so constructed that the driver has a view to the rear by means of an interior mirror.

(6) Steering mechanisms. All passenger carrying vehicles will be equipped with a steering system which is maintained to insure that lash or preplay do not exceed those values set forth in Title 49, CFR 570.7 and 570.60 (Vehicle in Use Inspection Standards).

(7) Heating systems. Passenger carrying vehicles shall be equipped with a heating system sufficient to maintain an ambient temperature of no less than 55 degrees in passenger areas.

(8) Road warning devices. All passenger carrying vehicles will be equipped with at least three red-burning fuses, or three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in the event of an emergency. It shall be the responsibility

of the driver to assure that such equipment is in the vehicle and is maintained in good condition. Any devices which may create a spark or open flame shall be carried in a separate compartment or a closed metal container provided for that purpose.

(9) Emergency exits. On vehicles designed to transport nine or more passengers, an emergency exit of not less than six and one-half square feet in area, with the smaller dimension being not less than eighteen inches, shall be placed at the end of the vehicle opposite the regular entrance. The route to and from the emergency exit shall be at all times unobstructed.

(10) Fire extinguishers. Every passenger carrying vehicle must be equipped with a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located so as to be readily accessible for use. Such extinguisher must be designed, constructed, and maintained so as to permit visual determination of the state of its charge. The extinguishing agent shall be nontoxic and preferably noncorrosive, and the fire extinguisher shall be suitable for attachment to the motor vehicles, shall bear the label of approval by the Underwriters Laboratories, Inc., and shall be kept in good working condition at all times.

(11) First-aid kits. All passenger carrying vehicles shall be equipped with a first-aid kit which will be readily accessible and shall contain as a minimum the following items: (1) One package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll, two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first-aid book or adequate printed first-aid instruction; (8) one package burn ointment or other burn compound; (9) some form of antiseptic, the type of which will be left to the judgment of the railroad company. Items used from first-aid kits shall be replaced before the next shift, and kits shall be checked for compliance with the above specifications if the seal on the kit is broken.

[Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-060, filed 4/26/78.]

WAC 480-62-070 Passenger carrying vehicles—Operation. (1) General. All passenger carrying motor vehicles shall at all times be operated in accordance with the requirements of state law, and no driver or operator thereof shall operate the same in any other than a careful and prudent manner nor at any greater speed than is reasonable and proper, having due regard to circumstances and to the use of highways by others, so as not to endanger the life and limb of any person.

(2) Minimum age, skill, and physical condition of drivers. Drivers or operators of passenger carrying vehicles shall be not less than eighteen years of age and shall have demonstrated the physical capability of handling the controls of the vehicle with ease. Such drivers must obtain and maintain in effect and carry on their persons at all times

while operating a passenger carrying vehicle either a valid Washington state driver's license or a valid license from the state of the driver's residence. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver shall be required to have such license or endorsement.

(3) Driver's daily hours of service. No driver or operator of any passenger carrying motor vehicle shall be permitted to or required to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.

(4) Refueling. No driver or any employee of a railroad company operating within the state shall (a) fuel a passenger carrying vehicle with the engine running; (b) smoke or expose any flame in the vicinity of a vehicle being fueled; (c) fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (d) insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) Driving rules.

(a) Drivers of passenger carrying motor vehicles shall bring such vehicles to a full stop not less than fifteen feet of any grade crossing of any railroad before crossing the track. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or traffic control signal is directing traffic to proceed.

(b) No driver or operator of any passenger carrying motor vehicle shall drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with the gears in neutral or the clutch disengaged.

(d) At the beginning of his or her use of passenger carrying vehicles, the driver or operator thereof shall make a brake test immediately before, and immediately after the vehicle commences moving to ascertain that the brakes are functioning properly.

(6) Loading and carrying of passengers. Drivers or operators of passenger carrying vehicles are in charge of the vehicle and shall require passengers to observe vehicle rules. Passengers will not be permitted to enter or exit from the vehicle while it is in motion, or to ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle they shall be stored in enclosed racks or boxes which shall be properly secured to the vehicle in order to prevent their striking employees in the event of sudden starts, stops, or turns. It shall be the responsibility of the driver to assure that tools and materials are properly secured before moving the vehicle.

(7) Limitation on transportation of explosives, gasoline, and other hazardous materials on passenger carrying vehicles. Explosives other than track torpedoes and fusees shall not be carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes or fusees are

carried in a passenger carrying vehicle, they shall be carried in a separate compartment or container provided for that purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammables when such flammables are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums shall be properly secured while being transported, and shall be located so as not to interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials shall not be parked within 300 feet of an open fire. Smoking shall be prohibited within 50 feet of the vehicle carrying explosive or flammable materials.

[Statutory Authority: RCW 81.61.020 and 81.61.030. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-070, filed 4/26/78.]

WAC 480-62-080 Accident reports. (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

(a) Leakage or spillage of hazardous material which could endanger railroad employees or the public at the scene of an accident;

(b) Death of a railroad employee, rail passenger or any other person;

(c) Death of or injury to any person involved in a railway-highway crossing accident;

(d) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the commission.

(3) Each report must state the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the accident and/or incident;

(d) Circumstances of the accident and/or incident;

(e) Identity of casualties, if any; and

(f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

[Statutory Authority: RCW 80.01.040 and 81.44.065. 81-10-017 (Order R-162, Cause No. TR-1456), § 480-62-080, filed 4/27/81. Statutory Authority: RCW 81.28.280. 79-02-087 (Order R-122, Cause No. TV-1199), § 480-62-080, filed 2/7/79.]

WAC 480-62-085 Annual reports. (1) The annual report form R1 promulgated by the Interstate Commerce Commission is hereby adopted for Class I railroad companies. The commission shall publish the annual report forms for the Class II and Class III railroad companies. At the close of each calendar year every railroad company must secure from the commission two copies of the annual report

form applicable to its business. The annual report is to be completed for the calendar year's operations. One copy of the completed annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

(2) The regulatory fee for the Class I railroad companies will be due and payable upon a schedule established by commission order.

[Statutory Authority: RCW 80.01.040, 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-085, filed 5/4/94, effective 6/4/94; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-62-085, filed 12/15/89, effective 1/15/90.]

WAC 480-62-090 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on January 1, 1992, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state. A copy of the federal rules referenced in this chapter is available for inspection at the commission branch of the Washington state library, located in conjunction with the commission's headquarters office. A copy may be obtained from the secretary of the commission, upon payment of any required fee, or from the United States government printing office, which operates a retail sales facility in Seattle, Washington.

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

[Statutory Authority: RCW 80.01.040, 94-11-003 (Order R-413, Docket No. TR-940126), § 480-62-090, filed 5/4/94, effective 6/4/94. Statutory Authority: RCW 80.01.040 and 81.44.065, 82-05-020 (Order R-182, Cause No. TR-1579), § 480-62-090, filed 2/10/82. Statutory Authority: RCW 80.011.040 [80.01.040] and 81.44.065, 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.]

WAC 480-62-100 Bridge safety rules. Whenever any railroad is involved in bridge construction, bridge structure repairs, track structure repairs or replacement on bridges, the railroad shall comply with the provisions of this rule, except that track structure repairs which are of a minor nature and short duration and can be completed working between the rails such as spot welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard, safety nets and life preserver requirements of this rule.

(1) Safety belts, lifelines, lanyards.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface,

and it is impractical to provide staging, ladders, scaffolds, or safety nets, safety belts and lifelines shall be provided and used.

(b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static load testing, shall not be used again for employee safeguarding.

(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point of their attachment so that a falling man will not swing into the substructure immediately below the floor of the bridge.

(d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(2) Safety nets.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts and lifelines, safety nets shall be provided and used.

(b) Where safety net protection is required by this rule, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than twenty-five feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surface or structures below. Such clearances shall be determined by impact load testing.

(ii) It is intended that only one level of nets be required for bridges.

(d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

(3) Life preservers.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, they shall wear a United States Coast Guard approved life saving device, unless it can be shown that

conditions, such as shallow water, are such that flotation would not be achieved.

(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least ninety feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.

(4) Boats.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, one life saving boat shall be immediately available.

(b) The boat requirement of this subsection shall not apply when the water surface is of such a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be safely moored and used in effecting a rescue.

(c) Whenever boats cannot be used, well marked lifelines close to the water surface shall be provided, and wherever practical, the line shall be stretched across the water.

(5) Exemptions.

Bridges which have solid bottom ballast decks with walkways and handrails on both sides are exempt from the provisions of this rule, provided that the work being performed on the bridge does not involve or necessitate the removal of the walkways, handrails, or any portion of the deck.

[Statutory Authority: RCW 80.01.040, 80.01.010 and 81.44.065. 83-09-004 (Order R-201, Cause No. TR-1696), § 480-62-100, filed 4/7/83. Statutory Authority: RCW 80.01.040 and 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed 4/27/81.]

WAC 480-62-120 Train operations—Tacoma. All trains and yard trains handling railroad cars shall come to a full stop at a distance not greater than five hundred feet before the railroad crossing on the Pacific Division, 3rd subdivision of the Burlington Northern Railroad at the Muni Line and Union Pacific Diamond, Union Pacific, milepost 146.5, and shall not proceed across such crossing until it has been specifically determined that no other train is approaching the crossing, or is in any other respect in a position whereby a collision could occur.

[Statutory Authority: RCW 80.01.040 and 81.01.010. 83-09-003 (Order R-200, Cause No. TR-1692), § 480-62-120, filed 4/7/83.]

Chapter 480-63 WAC

RAILROAD COMPANIES—WEIGHING

WAC

- 480-63-010 Scales must be balanced.
- 480-63-020 Uncoupling and spotting cars.
- 480-63-030 Tare weights.
- 480-63-040 Weighing of empty cars.
- 480-63-050 Long cars and over scale capacity cars.
- 480-63-060 Double and triple loads.
- 480-63-070 Foreign matter on cars.
- 480-63-080 Care of scale.
- 480-63-090 Commission inspection and testing.

WAC 480-63-010 Scales must be balanced. Weighmasters must always balance scales before weighing is started.

[Order R-5, § 480-63-010, filed 6/6/69, effective 10/9/69.]

WAC 480-63-020 Uncoupling and spotting cars. Each car must be spotted (standing still) on scale with a full clear bearing,* except on scales specifically designed for weighing cars in motion, and must be uncoupled free at both ends by the complete parting of the knuckles except when impractical such as in the weighing of double or triple loads.** The uncoupling requirement does not apply to scales or systems designed to weigh cars in motion with the cars coupled.

*As amended by Order No. T-9465 effective August 5, 1960.

**As amended by Order No. T-9947 effective September 25, 1967.

[Order R-5, § 480-63-020, filed 6/6/69, effective 10/9/69.]

WAC 480-63-030 Tare weights. When marked tare (stenciled tare) is used, weighmaster must personally read stenciling shown on car. If no stenciled tare on car, records must show "no tare." When actual tare is used records must show actual tare.

[Order R-5, § 480-63-030, filed 6/6/69, effective 10/9/69.]

WAC 480-63-040 Weighing of empty cars. The same care and rules must be used when weighing empty cars as observed for loaded cars. Empty cars weighed for restenciling must be thoroughly cleaned of all foreign matter before weighing.

[Order R-5, § 480-63-040, filed 6/6/69, effective 10/9/69.]

WAC 480-63-050 Long cars and over scale capacity cars. If length of scale will not accommodate a long car or when gross weight exceeds capacity of scale, car must be weighed in two drafts by weighing half the car in each draft to secure the total gross.

[Order R-5, § 480-63-050, filed 6/6/69, effective 10/9/69.]

WAC 480-63-060 Double and triple loads. Double and triple loads must be weighed in the most practical manner, taking particular care to get correct gross weight and to use correct tare total for cars included in gross.

[Order R-5, § 480-63-060, filed 6/6/69, effective 10/9/69.]

WAC 480-63-070 Foreign matter on cars. An estimate shall be made and a record kept of the amount of snow, ice, refuse or other foreign matter, if any, on cars at time of weighing either loaded or empty.

[Order R-5, § 480-63-070, filed 6/6/69, effective 10/9/69.]

WAC 480-63-080 Care of scale. Scale beam, poise, etc., must be kept clean and free from dirt and rust and when not in use, beam must be secured by the beam latch and poise set at highest graduation.

Scale platform must be kept clean and free from refuse, snow, etc.

Engines must not be passed over live rails.

Equipment must not be allowed to stand on scale except when being weighed.

Switches must be set for dead rail track except when cars are being weighed.

Cars must not be stopped on scale by impact, by sudden application of brakes or by throwing obstructions under wheels.

Scale pits must be kept free from refuse and water.

[Order R-5, § 480-63-080, filed 6/6/69, effective 10/9/69.]

WAC 480-63-090 Commission inspection and testing. The commission will inspect the weighing of cars, inspect scales for care and maintenance, and test for accuracy.

[Order R-5, § 480-63-090, filed 6/6/69, effective 10/9/69.]

Chapter 480-66 WAC

RAILROAD COMPANIES—SANITATION

WAC

480-66-010	Definitions.
480-66-020	Water supply.
480-66-030	Toilets.
480-66-040	Eating places and lunch rooms.
480-66-050	Sleeping accommodations.
480-66-060	Cleanliness and maintenance.
480-66-070	General.

Reviser's note: WAC 480-66-010 through 480-66-090 as filed June 6, 1969, were to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in WAC Supplement #3, was October 9, 1969. See also, reviser's note Title 480 WAC digest.

WAC 480-66-010 Definitions. As used herein or in connection with these rules and regulations, the following terms shall mean:

(1) Bunk or section house. Any building or portion thereof, excepting a family dwelling, in which persons employed by railroad companies are furnished sleeping and/or living accommodations.

(2) Caboose. Any car or coach used on a train to carry the train crew.

(3) Camp car. Any group of sleeping, dining, kitchen or recreation cars, on or off rail, furnished for the use of any one gang or group of employees.

(4) Commission. The Washington utilities and transportation commission.

(5) Commissioner. A duly appointed member of the Washington utilities and transportation commission.

(6) Company. A common carrier railroad company as an employer.

(7) Employee. Any person employed by a company to which these rules and regulations apply.

(8) Dressing room. A room used by employees either as a dressing room, or as a rest room, or for both purposes.

(9) Number of employees. Unless otherwise specified, the maximum number of employees going on or coming off shift within any single hour.

(10) Railroads. Common carrier railroads.

(11) Sanitary. Free from or effective in preventing or checking agencies injurious to health; especially filth and infection.

(12) Station. A location where freight and/or passenger traffic is ordinarily received and delivered and at which an employee is regularly assigned for duty.

(13) Terminal. A location where engine and train crews in yard and train service and switchmen, switch tenders and car clerks are regularly required to report for or relieved from duty.

(14) Toilets. Fixtures such as flush toilets, chemical closets, or privies for the purpose of defecation, unless otherwise specified.

(15) Usual place of employment. The place where an employee works with a reasonable measure of continuity throughout the major part of his company service.

(16) Yards. Yards, section headquarters, locomotive and car shops.

(17) Office work area. A yard office, station, depot, terminal, or freight, baggage and express office which is a permanent or semi-permanent stationary facility located on railroad property and a usual place of employment for the performance of clerical and/or work concerned with or identified with the office functions of the company.

[Order R-5, § 480-66-010, filed 6/6/69, effective 10/9/69.]

WAC 480-66-020 Water supply. (1) General specifications. Water supplied for domestic and drinking purposes under these regulations shall meet the standards of the state department of health. Cross-connections between a potable and impotable water supply are prohibited.

(2) Drinking water.

(a) An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the state department of health or an approved water line.

(b) When necessary, this water shall be provided in suitable, clean, sterilized and sanitary containers conveniently placed for the use of employees, but not in toilet rooms. Each container shall be equipped with an approved type of fountain, approved faucet, or other approved dispenser.

(c) All containers used to furnish drinking water shall be thoroughly cleansed and sterilized as often as necessary to assure a clean and sanitary water supply.

(d) The common drinking cup for public use is prohibited, either single service containers or drinking fountains with sanitary angle head, shall be used in lieu thereof.

(3) Required locations.

(a) Running facilities. Drinking water which meets the specifications of subsections (1) and (2) shall be provided on the following equipment when in use and when offered for use at terminals having servicing and/or replenishing facilities:

(i) All locomotives.

(ii) Baggage and express cars (where employees are assigned for work en route).

(iii) Caboose.

(iv) Camp cars.

(b) Stationary facilities. Drinking water, according to the general specifications shall be made available at the following locations:

- (i) All terminals.
- (ii) All yard offices.
- (iii) All stations.
- (iv) All freight, baggage, and express offices (located on railroad property).
- (v) All shops and engine houses.
- (vi) All bunk or section houses and section headquarters.
- (vii) All lunchrooms located on railroad property.
- (viii) All permanent watchmen shelters at public highway crossings.

- (ix) All maintenance of way camps.
- (x) All office work areas.
- (4) Washing facilities.

(a) General specifications - wash basins - lavatories.

(i) Wash basins or lavatories shall be made of vitrified glazed earthenware, vitreous enameled metal, or other smooth finished material, impervious to moisture.

(ii) Twenty-four inches of trough or circular wash basin shall be considered the equivalent of one wash basin. The trough or circular wash basins shall not be equipped with a plug or stopper.

(iii) Spring closing hand operated faucets are prohibited in trough wash sinks, or circular basins.

(b) Wash basins - availability.

(i) An adequate number of wash basins or lavatories for maintaining personal cleanliness shall be provided within reasonable access for all employees normally assigned to work at the following locations: All terminals, all yard offices, all stations, all freight, baggage and express offices (located on railroad property), all shops and engine houses, all lunch rooms located on railroad property, and at all bunk or section houses.

(ii) The following table shall be used in determining the adequacy of washing facilities:

Number of Employees	Minimum Number of Facilities
1 to 10 persons	1 basin
11 to 24 persons	2 basins
25 to 49 persons	3 basins
50 to 100 persons	5 basins
100 persons or over	1 basin for each additional 25 employees

(iii) At least one wash basin shall be located in or adjacent to each toilet room.

(c) Wash basins - supplies.

(i) Hot and cold running water shall be supplied to wash basins.

(ii) Mechanical drying facilities or individual towels, either paper or cloth, shall be provided. (The use of common towels is prohibited.)

(iii) Waste receptacles shall be provided for used paper towels.

(iv) Soap or other suitable cleansing agent shall be supplied at each wash basin.

(v) All supplies shall be adequate to meet the needs for which they are intended, and shall be so maintained by the employer.

(vi) Employees shall exercise care to see that unnecessary waste of supplies does not occur.

(5) Showers, locker rooms, dressing rooms and lockers.

(a) Showers.

(i) Showers shall be required when in the judgment of this commission such facilities are necessary at specified locations to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes or vapors or other materials or substances injurious to health. Such shower facilities shall be provided in conjunction with adequate and necessary locker or dressing room facilities.

(ii) Showers shall be provided with a spray fixture connected to an ample supply and pressure of hot and cold water, preferably mixed by a mixing valve.

(iii) Each shower room or compartment shall be constructed of material impervious to moisture.

(iv) Each shower compartment shall be not less than 36 inches in width and 36 inches in depth.

(b) Lockers or dressing rooms.

(i) Where required by this commission, and in all places of employment where, because of the nature of the work, it is necessary to change clothing, a locker room shall be provided separated from toilet rooms by solid partitions and doors. Such locker rooms shall have not less than eighty square feet of floor space per ten employees, or fraction, and for each additional employee not less than four additional square feet shall be added thereto. Necessary furniture such as benches and tables shall be provided.

(ii) Such locker or dressing rooms shall be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where practicable cross-ventilation shall be provided.

(c) Lockers.

(i) Where required by this commission, and in all places of employment where the nature of the employment requires a change of clothing, individual metal lockers shall be provided. The dimensions of metal lockers shall be not less than twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers shall be equipped with a shelf and with not less than one clothes hook for each side or equivalent hanger bar, and also sufficient openings in the door for purposes of ventilation. Wooden lockers are prohibited.

(d) Dressing rooms for women.

(i) Where five or more women are employed a dressing room will be provided for their exclusive use. The minimum floor space of such dressing rooms shall not be less than eighty square feet. Not less than four square feet additional for each person shall be added thereto. The required floor space shall be based on the maximum number of women on any one shift and for whose use such dressing room is provided.

(ii) Dressing rooms shall be conveniently located for the workers whose use they are intended.

(iii) Entrances shall be marked "WOMEN" and be so constructed as to provide for the privacy of such rooms.

(iv) Such dressing rooms shall be adequately lighted, heated and ventilated. At least one cot, couch or bed shall be provided where five or more women are employed. The number of such cots, couches or beds shall be as follows:

Number of Employees	Number of Cots Couches or Beds
5 to 100	1
101 to 250	2

One additional cot, couch or bed shall be provided for each additional 250 women employees.

[Order R-5, § 480-66-020, filed 6/6/69, effective 10/9/69.]

WAC 480-66-030 Toilets. (1) General.

(a) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals shall be maintained.

(b) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(c) No privy, urinal, cesspool, septic tank or other receptacle for human excrement shall be constructed, maintained or used, except those maintained on moving equipment, which directly or indirectly drains or discharges over, into or upon the surface of the grounds, or into the waters of the state, either directly or indirectly, unless the contents of such urinal, subjected to some recognized sterilization treatment approved by the state department of health.

(2) Waterclosets.

(a) Every flush toilet shall have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl shall be constructed of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

(b) Every such bowl shall be so installed that the surroundings and floor space can be easily cleaned.

(c) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for running facilities.

(d) Every flush toilet shall have a separate hinged seat made of a material, other than metal, which does not absorb moisture or which shall be finished with varnish or other substances resistant to moisture.

(3) Urinals.

(a) Every urinal shall be made of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

(b) Every urinal shall be located within a toilet room.

(c) Twenty-four inches of trough urinal shall be equivalent to an individual urinal.

(d) Wherever a slab urinal is installed, the floor, for a distance of not less than 24 inches in front of the urinal, shall be sloped toward the urinal drain, and adequate splash guards shall be installed.

(e) Every urinal shall be flushed from a water-supplied tank or through valve, and flush valves shall be installed with an approved back-flow preventer. Every such tank shall furnish an adequate quantity of water for each discharge for every fixture. In place of such discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(f) Clear floor space allowed for each urinal or its equivalent shall be not less than two feet in width, adequate passage shall be allowed for.

(4) Chemical toilets.

(a) All chemical toilets installed must be of a type approved by the commission. Containers shall be charged with chemical solution of proper strength and their contents shall be agitated daily with proper devices provided for that purpose. When containers are more than 2/3 full the contents shall be disposed of in an approved manner, such as by the burial or into a public sewer system. The stacks connecting the seats with the containers shall be cleaned as often as is necessary to keep them in a clean and sanitary condition.

(5) Incinerator toilets.

Note: An incinerator toilet may be described as containing a receptacle for toilet waste to which intense heat is applied obtained from electrical current, gas or some heat producing agent.

(a) All incinerator toilets used on railroad equipment in the state of Washington must be of a type approved by the commission.

(b) The installation and method of venting must be approved by the commission.

(c) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

(6) Privies.

(a) All privies shall be located so as to avoid contaminating any water of the state.

(b) A suitable approach, such as concrete, gravel or cinder walk shall be provided.

(c) Privies shall be constructed and maintained insect and rodent proof.

(d) Every privy shall be provided with a door and such door shall be self-closing.

(e) The lids over the seats shall be so constructed as to fall into a closed position when the seat is not occupied.

(f) The pit, or vault shall be ventilated to the outside air by means of a stack protected at its outlet and by screens.

(g) Individual seats shall be provided in accordance with the ratio hereinafter set forth.

(7) Toilet rooms - specifications for.

(a) Separation.

(i) No toilet room shall have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated from said room by a self-closing door maintained in operating condition.

(ii) Except as otherwise provided in this section, separate toilet facilities shall be provided for each sex, and each toilet room shall be plainly marked by a sign reading "MEN" or "WOMEN," as the case might be. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of the table in WAC 480-66-030 (8)(a)(ii).

(iii) There shall be no direct connection between toilet rooms for men and women. Each shall have a separate entrance, and each door leading thereto shall have an automatic closing device maintained in operating condition.

(b) Compartments.

Each water closet in toilet rooms containing more than one water closet, or water closets, together with the one or more urinals, shall be in an individual compartment.

(c) Ventilation.

Every toilet room shall be adequately ventilated.

(d) Lighting.

All toilet facilities shall be clearly lighted at all times during working hours

(e) Heating.

Except privies, every toilet room shall be kept adequately heated.

(f) Screens.

All windows, ventilators, and other openings, shall be screened to prevent the entrance of insects. Toilet rooms shall be kept free of insects and vermin.

(8) Toilets - number required.

(a) General.

(i) Adequate toilet facilities shall be provided for all employees, and for each sex. Such facilities shall be conveniently located and accessible, and shall be maintained in a usable and sanitary condition at all times.

(ii) The following table shall be used as a guide in determining the adequacy of toilet facilities.

Number of Employees	Minimum Number of Facilities
1 to 10 persons	1 toilet
11 to 25 persons	2 toilets
26 to 49 persons	3 toilets
50 to 100 persons	5 toilets
100 persons or over	11 toilet for each additional 25 persons

(iii) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets shall not be reduced to less than two-thirds of the number shown in the foregoing table.

(9) Toilets - supplies.

(a) Toilet paper. An adequate supply of toilet paper with holder shall be supplied by the employer for each toilet.

(b) Sanitary napkins. In all toilet rooms used by women the company shall permit the installation of dispensing machines for sanitary napkins.

(10) Toilets - location of and type.

(a) Running facilities. Flush type, chemical type, or incinerator type toilets shall be provided on the following running facilities:

(i) The leading unit of all locomotives except when used in yard service.

(ii) Baggage and express cars where employees are required to work en route.

(iii) Cabooses.

(b) Stationary facilities. Appropriate type toilets, according to the specifications herein, shall be provided and made accessible to all employees at the following locations:

(i) All terminals.

(ii) All yard offices.

(iii) All stations or depots.

(iv) All freight, baggage and express offices (located on railroad property).

(v) All engine houses and shops.

(vi) All bunk or section houses and section headquarters.

(vii) Lunchrooms located on railroad property.

(viii) All maintenance of way camps.

(ix) Crossing watchman locations, where practicable, and where such facilities are not otherwise readily and conveniently located.

(x) All office work areas.

[Order R-106, § 480-66-030, filed 7/20/77; Order R-23, § 480-66-030, filed 3/22/71; Order R-5, § 480-66-030, filed 6/6/69, effective 10/9/69. *See Reviser's note, chapter digest.]

WAC 480-66-040 Eating places and lunch rooms.

(1) Eating places.

(a) Whenever practicable and at all permanent and semi-permanent installations an acceptable place, maintained in clean and sanitary condition, with adequate space for eating meals shall be provided for employees who bring their meals to their place of employment, or eat their meals prepared at the camp facilities.

(b) Eating places shall be so constructed as to permit their being readily cleaned, and they shall be kept clean, in good repair and free of rodents, insects and vermin.

(c) Kitchen cars or other camp facilities shall have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(2) Lunch rooms.

(a) In lunch rooms where food is served for employees, the food, equipment, and facilities shall be subject to the same inspection and regulation as is required in public eating places, generally consistent with the rules and regulations of the state board of health pertaining to public food establishments.

(b) Employees and workers handling and serving food in such places shall be subject generally to those rules and regulations of the state board of health which are necessary to the sanitary handling of food.

(c) Concessionaire facilities provided by the company in lieu of direct company operation shall comply with the regulations in this code with respect to adequate space, adequate food handling facilities and cleanliness.

(d) Adequate table and seating facilities shall be provided for the maximum number of employees using the room at any one time.

(3) Lunchrooms and eating places - size, etc.

(a) General. The minimum area of lunchrooms, or the amount of space to be added to that required for a locker room where a lunchroom is not provided, shall be based upon the maximum number of employees using the room or added space at any one time, generally in accordance with the following table:

Number of Employees	Square Feet Per Employee
10 to 25	8
26 to 74	7
75 to 149	6
150 to 499	5
500 and more	4

(b) Ventilation. Every eating place and lunchroom shall be adequately ventilated. Where practicable cross-ventilation shall be provided.

(c) Lighting. All lunchrooms shall be clearly lighted at all times during hours of use.

(d) Heating. Every lunchroom shall be kept reasonably heated at all times.

(e) Screens. The windows, ventilators and doors opening to the outside of all lunchrooms shall be properly screened during the season when insects are prevalent.

(f) Waste disposal. One or more covered receptacles, as may be necessary, shall be furnished in lunchroom and eating places for the disposal of waste food and other waste matter. Such containers shall be emptied regularly and cleaned as often as is necessary. The area where the receptacles are kept shall be maintained free of litter occurring from the possible overflow of such receptacles.

[Order R-5, § 480-66-040, filed 6/6/69, effective 10/9/69.]

WAC 480-66-050 Sleeping accommodations. (1) Running facilities.

(a) Camp cars, other than passenger coaches, furnished for sleeping purposes, shall provide at least 50 square feet of floor space for each person with a ceiling height of not less than 7 feet, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. Where passenger coaches are furnished, the commission may designate the number of men to be housed in each coach.

(i) Walls, floors and ceilings shall be so constructed as to permit them to be readily cleaned.

(ii) Exterior windows and doors shall be weather stripped during the cold weather.

(iii) Screens shall be provided during the season when insects are prevalent for outer doors and windows.

(iv) Heating facilities and adequate fuel shall be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(v) Lighting, by windows and/or acceptable artificial illumination shall be provided.

(vi) Ventilation shall be provided by windows opening directly to the outside air.

(vii) Beds, bunks or cots with proper mattresses shall be provided. Such beds, bunks or cots shall be raised at least 12 inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least 27 inches of clear space above it.

(2) Stationary facilities.

(a) Dormitories or bunk rooms shall be of such area as to provide at least 50 square feet of floor area for each person, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. The headroom of dormitories or bunk rooms shall be at least 7 feet.

(b) Specifications for the walls, floors, and ceilings, lockers, drinking water, toilet accommodations, washing facilities, ventilation, lighting, heat, weather stripping, screening, beds, bunks or cots, as described in subsection (1) shall apply to subsection (2).

[Order R-5, § 480-66-050, filed 6/6/69, effective 10/9/69.]

WAC 480-66-060 Cleanliness and maintenance. (1) General specifications.

(a) The company shall provide for the cleanliness and maintenance of the facilities, fixtures, and appurtenances referred to in these regulations. Said fixtures shall be maintained in proper working order when offered for use.

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(b) Frequency of regular and thorough cleansing shall be determined in each case by the amount of traffic; and in all instances the frequency of cleaning shall be adequate to keep said facilities, fixtures, and appurtenances free from vermin and rodents and clean and wholesome at all times.

(c) Toilet rooms and washrooms shall not be used for storage. Posters and/or signs shall be placed in toilet rooms requesting cooperation of employees in keeping the premises clean.

(2) Floors shall be maintained in a clean and so far as practicable dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided wherever practicable.

(3) Screens required by these rules shall be of 16 mesh or equal.

(4) Cuspidors. Where cuspidors are used they shall be of such construction as to be cleanable and shall be kept in a clean condition.

(5) Receptacles for waste. Suitable receptacles shall be provided and used for the storage of waste and refuse and shall be maintained in a sanitary condition. Receptacles used for moist or liquid waste shall be made of metal or glazed earthenware, or be metal-lined, and shall not leak. They shall be kept covered and shall be washed out as often as necessary to keep them clean.

(6) Removal of sweepings, waste and refuse. All sweepings, waste and refuse shall be removed in such a manner as to avoid raising dust and as often as necessary to keep all rooms used by employees clean.

(7) Yard servicing areas. Toilet waste shall not be discharged onto the ground surface from railroad cars within servicing area of yards. Such areas shall be kept free of refuse, litter, debris, vermin and rodents.

(8) Yard repair areas. Where work is performed in repair yards or on repair tracks in the open or in open sheds of pits, adequate drainage shall be provided. This waste shall not drain into any water of the state, nor contaminate the ground surface, but must be disposed of in a manner approved by the state department of health.

(9) Running facilities.

(a) Locomotives and yard diesels. During use, the cabs on locomotives shall be heated to a minimum of 50 degrees Fahrenheit.

(i) When necessary to comply with subdivisions (1)(a) and (b) herein, all locomotives shall have their floors and toilets cleaned, and their windows washed when offered for use at terminals having servicing facilities.

(ii) When required by the season of the year, doors and windows of all locomotives shall be equipped with adequate protection to occupants from the elements by means of weatherstripping, or other device sufficient to provide equally adequate protection.

(b) Caboose.

(i) Caboose shall be maintained in a clean and sanitary condition.

(ii) When required by the season of the year, doors, and windows of cabooses shall be equipped with adequate weatherstripping.

(iii) When necessary to comply with subdivisions (1)(a) and (b) herein, cabooses shall have their toilets cleaned, and

their windows washed when offered for use at terminals having servicing facilities.

(iv) Every caboose used in any train in this state, regardless of service, shall be provided with a stove or other adequate means of heating. A sufficient supply of fuel for the trip or shift shall be provided.

(10) Stationary facilities.

(a) Bed linen. Where bed lined is furnished by the railroad it shall be changed and fresh clean linen supplied at least once a week and/or for each new occupant.

(b) Crossing watchman facilities. Adequate shelter shall be furnished and maintained for crossing watchman. Such shelter shall be adequately heated, sealed and insulated against cold and inclement weather.

(c) Office work areas.

(i) Office work areas shall be maintained in clean and wholesome condition when offered for use.

(ii) Office work areas shall be clearly lighted at all times during hours of use.

(iii) Office work areas shall be heated at all times during hours of use at not less than 65 degrees Fahrenheit.

(iv) Office work areas shall be provided with cross-ventilation when possible.

(v) Windows, ventilators and doors opening to the outside of office work areas shall be properly screened during the seasons when insects are prevalent.

[Order R-5, § 480-66-060, filed 6/6/69, effective 10/9/69.]

WAC 480-66-070 General. (1) In all proceedings arising out of the construction and/or application of these rules and regulations, the rules of practice and procedure before the Washington utilities and transportation commission, made effective July 1, 1966, by General Order No. 11, shall apply.

(2) Any interested and affected party deeming available sanitary or shelter facilities inadequate or unsatisfactory within the purview of these rules may complain to and petition this commission for an order directing the responsible party or parties to correct such condition or conditions. Upon investigating such complaint and petition, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected. Where hearing on such petition and complaint is ordered held by this commission, due and proper notice will be given to all interested parties, and the complaining and petitioning party will have the burden of establishing the facts of which it complains.

(3) [Subsection (3) of this section was repealed by Order R-23, filed 3/22/71.]

(4) The commission reserves the right to alter, modify or rescind any of these rules and to adopt such additional rules as may be necessary.

(5) Application for the waiver of or modification of any of the rules and regulations of the commission herein shall contain a reference to each rule on which modification or waiver is requested, and shall fully and clearly set forth the special grounds upon which such a request is based. Any waiver granted must be by order of the commission.

(6) Each company subject to these amended sanitation and shelter rules and regulations, shall, within 60 days from

the effective date of these amended rules, submit to the commission, in writing, the following:

(a) A description of the current company servicing program for cleaning, maintaining and replenishing drinking water facilities as prescribed by WAC 480-66-020 (3)(a).

(b) A list of the names of the terminals and/or locations at which said current servicing program for drinking water facilities is accomplished, said list to indicate which terminals and locations have, and which do not have servicing program facilities.

(c) A description of the means the company uses, or proposes to use to accomplish said servicing program at terminals or locations not having servicing program facilities.

(d) Where a company drinking water servicing program is nonexistent, or not as complete as contemplated, a description of the program the company proposes to institute.

(e) A description of the current company program for implementing WAC 480-66-030 (10)(a), said description to include a list indicating the number of caboose units not in compliance with said WAC 480-66-030 (10)(a), said compliance to be accomplished within five years of the effective date of this rule pursuant to agreement of the parties.

(f) A description of the current company servicing program for cleaning and maintaining toilets on locomotive, baggage and express cars, and caboose units that have not been conformed to the requirements of WAC 480-66-030 (10)(a).

(g) A description of the company timetable for bringing into conformity the caboose units required to conform to WAC 480-66-030 (10)(a)(3).

(h) A description of the current company servicing program to accomplish compliance with WAC 480-66-060(9).

(i) A list of the names of the terminals and/or locations at which said current servicing program for locomotives, yard diesels, and cabooses is accomplished.

(j) Where a company servicing program to comply with WAC 480-66-060(9) is nonexistent, or not as complete as contemplated, a description of the program the company proposes to institute.

(k) By means of a current report, to be filed not less frequently than quarterly, each company shall apprise the commission of the then salient effective and ineffective features of the company servicing program employed to comply with WAC 480-66-020 (3)(a), 480-66-030 (10)(a), and 480-66-060(9).

[Order R-23, § 480-66-070, filed 3/22/71; *Order R-5, § 480-66-070, filed 6/6/69, effective 10/9/69.]

Chapter 480-69 WAC

RAILROAD COMPANIES—TRACK SCALES

WAC

480-69-010	Track scales—Approval and seal.
480-69-020	Track scales—Testing.
480-69-030	Track scales—Tolerances.
480-69-040	Track scales—Approved.
480-69-050	Track scales—Condemned.
480-69-060	Track scales—New installations—Specifications.
480-69-070	Track scales—New installations—Testing.
480-69-080	Track scales—Test cars.

480-69-090	Track scales—Repairs.
480-69-100	Track scales—Approach rails.
480-69-110	Track scales—Scale pits.

WAC 480-69-010 Track scales—Approval and seal. All track scales used for obtaining weights that are accepted and used for freight charges by all railroads within the state are under the jurisdiction of the Washington utilities and transportation commission and shall be approved and sealed by the commission at all times.

[Order R-5, § 480-69-010, filed 6/6/69, effective 10/9/69.]

WAC 480-69-020 Track scales—Testing. The commission shall inspect and test all such scales from time to time for accuracy. The frequency of such tests shall be at the discretion of the commission and depending on the amount of weighing performed and the character and amount of maintenance attention given scales. When practicable tests will be made every six months and at least once a year.

[Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.]

WAC 480-69-030 Track scales—Tolerances. The tolerances for track scales shall be the same as those adopted by the National Bureau of Standards and the Association of American Railroads, including such amendments as may be adopted from time to time, provided the error in weights shall not exceed two-tenths of one percent of the test load at any position on the scale.

[Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.]

WAC 480-69-040 Track scales—Approved. A scale testing within these tolerances shall be an approved scale and the commission seal or notice of approval shall be attached.

[Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.]

WAC 480-69-050 Track scales—Condemned. Scales NOT testing within the allowable tolerance and not corrected at time of test will be condemned for further use and weights obtained therefrom must not be used in assessing freight charges until scale has been corrected by owner and approved by the commission.

[Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.]

WAC 480-69-060 Track scales—New installations—Specifications. When a new track scale is installed or an old one relocated, the installation must conform to the railroad track scale specifications as issued by the National Bureau of Standards or the American Association of Railroads, unless otherwise provided by the Washington utilities and transportation commission.

[Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.]

WAC 480-69-070 Track scales—New installations—Testing. When a new scale is to be installed or an old one reconditioned, the owner must notify the commission as far in advance as possible as to the approximate time of its completion so arrangements can be made by the commission to test and seal before being used. If it is inconvenient for the commission to test when scale is ready for service,

owner may put same in service after testing and adjusting with his own test car provided test car has been calibrated on a master scale.

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

WAC 480-69-080 Track scales—Test cars. Railroad owned test cars that are regularly calibrated on a master scale and do not have a wheel base of more than 7 feet will be approved and may be used by the commission for testing and sealing when it will reduce hauling and switching movements. The state of Oregon master scale at Guilds Lake Yard, Portland, Oregon, will be available for calibrating all test cars.

[Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.]

WAC 480-69-090 Track scales—Repairs. The commission's inspector will make no repairs or adjustments to any scale. Owners will be notified previous to testing so their inspector or representative can be present when tests are made.

[Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.]

WAC 480-69-100 Track scales—Approach rails. Approach rails must be kept level with scale weight rails so the test car can be readily moved off and on the scale by the inspector without the use of motive power.

[Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.]

WAC 480-69-110 Track scales—Scale pits. The scale pit must be kept dry and the accessibility to same such that complete inspection can be made at all times.

[Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-010	Communications.
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480-70-050	Definitions.
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480-70-550	Shipping paper requirements.
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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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-70-600	Bidding—Definitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-600, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.
480-70-610	Bidding—Determination of market boundaries and competitiveness. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-610, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.
480-70-620	Bidding—Petitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-620, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.
480-70-630	Bidding—Notification of local government. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-630, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-640	Bidding process. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-640, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.
480-70-990	Appendix A—Form—Garbage and/or refuse collection companies. [Statutory Authority: RCW 80.01.040. 90-09-015 (Order R-317, Docket No. TG-2296-R), § 480-70-990, filed 4/9/90, effective 5/10/90; Order R-89, Appendix A, pages 3, 4, 6, and 7 (codified as WAC 480-70-990), filed 12/8/76; Order R-73, Appendix A, Pages 1—14, filed 6/25/75; Order R-31, Appendix A, pages 1—14, filed 10/18/71.] Repealed by 92-01-052 (Order R-358, Docket No. TG-900715), filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040.

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

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

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

WAC 480-70-020 Documents—When filed. Except as provided in chapter 480-04 WAC, all tariffs, schedules, classifications, petitions, complaints, applications for common or contract carriers, certificates of public convenience and necessity, or extensions thereof, or any other matter required to be served upon or filed with the Washington utilities and transportation commission, shall be served upon or filed upon said commission at its offices, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-8002, upon the secretary of said commission. Except as provided in chapter 480-04 WAC, no tariff, schedule, classification, petition, complaint, application or other matter required to be served upon or filed with the Washington utilities and transportation commission shall be considered as served or filed until it is received at the said offices of the commission at Olympia, Washington. Applications for common or contract carrier certificates of public convenience and necessity, or for extensions thereof may be transmitted to the district offices for forwarding to the office of the commission at Olympia, but are not considered as served or filed until they are received at said Olympia offices.

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

WAC 480-70-030 Remittances. (1) Remittances to the commission may be by money order, bank draft or certified check payable to the Washington utilities and transportation commission. Personal checks, if drawn on a bank in the state of Washington, will be accepted subject to collection.

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

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

[Order R-5, § 480-70-030, filed 6/6/69, effective 10/9/69.]

WAC 480-70-040 Change of address. A change in the address of the principal place of business of any carrier must immediately be reported to the commission.

[Order R-5, § 480-70-040, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

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

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

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

(7) The phrase "the business of transporting solid waste for collection and/or disposal for compensation" used in RCW 81.77.010 applies only to those carriers who are primarily in the specialized business of transporting solid waste for collection and/or disposal for all potential customers within a specified area. Note: Chapter 81.77 RCW, as amended, was not intended to cover operations of carriers whose business is other than the primary business of transporting solid waste for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, need not secure a certificate under the provisions of chapter

81.77 RCW. In some instances, carriers may be engaged extensively in both motor freight carrier and in solid waste hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate.

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

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

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

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

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

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

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

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

(10) "Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the

highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

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

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

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

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

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-70-055 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on May 16, 1994.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(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. 94-14-011 (Order R-419, Docket No. TG-940456), § 480-70-055, filed 6/23/94, effective 7/24/94; 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 480-70-060 Licenses. No motor vehicle shall be operated upon the public highways of this state by any solid waste collection company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regula-

tions of the commission governing the operation of motor vehicles upon the public highways.

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

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

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

WAC 480-70-080 Operation under trade name. No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010 and a certified copy thereof filed with the commission.

[Order R-5, § 480-70-080, filed 6/6/69, effective 10/9/69.]

WAC 480-70-090 Certificates, must be filed main office. Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

[Order R-5, § 480-70-090, filed 6/6/69, effective 10/9/69.]

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

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

WAC 480-70-110 Certificate, sale, etc. No certificate, nor any right thereunder, shall be sold, assigned, leased or transferred, or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, or transfer, or mortgage must be made in accordance with WAC 480-70-180, must be joined in by all parties interested, and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

[Order R-5, § 480-70-110, filed 6/6/69, effective 10/9/69.]

WAC 480-70-120 Certificates, application for. Applications for certificates, extension of service, line, route, or territory under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested and accompanied by the applicable fee. Such applications must specifically and fully describe the line, route, or territory by reference to specific known and

ascertainable streets, avenue, roads, or highways or boundaries, or by metes and bounds. In addition, such applications must have attached thereto a map specifically delineating the line, route, or territory for which application to serve is made. Where such line, route, or territory is not specifically described as required in this rule, the commission may defer consideration of the application until this rule is complied with, or, in its discretion, may reject the application. Applications for authority to provide service under a contract with the United States of America or any agency thereof shall be accompanied by a certified copy of the fully executed contract. Such contract authority will be issued without hearing for a period coextensive with the duration of the contract subject to compliance by the applicant with all other applicable requirements of chapter 81.77 RCW and chapter 480-70 WAC.

[Statutory Authority: RCW 80.01.040. 92-24-061 (Order R-382, Docket No. TG-920686), § 480-70-120, filed 11/30/92, effective 12/31/92; 85-20-046 (Order R-240, Cause No. TG-1903), § 480-70-120, filed 9/25/85; Order R-90, § 480-70-120, filed 1/19/77; Order R-5, § 480-70-120, filed 6/6/69, effective 10/9/69.]

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

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

- (a) The immediate need for the requested service;
- (b) Whether the requested service is currently available from the certificated carrier serving the territory; and
- (c) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest. When considering these circumstances the commission may consider the fitness of the applicant.

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

(3) No application for temporary solid waste authority shall be considered by the commission unless it contains a sworn statement from one or more shippers or generators of solid waste setting forth all pertinent facts relating to need for the service.

(4) Temporary certificates will carry the following condition:

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

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

tions for temporary certificates shall conform to the requirements of WAC 480-70-120.

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

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

WAC 480-70-140 Certificates, description, hearing for clarification. Where the line, route, or service area is delineated as, or bounded by, a street, avenue, road, or highway or other description, that description or boundary shall be established in the certificate of public convenience and necessity as it existed at the time authority was granted.

[Order R-5, § 480-70-140, filed 6/6/69, effective 10/9/69.]

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

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

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

WAC 480-70-155 Contemporaneous applications.

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

available for inspection in the commission headquarters office in Olympia.

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

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

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

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

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

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

WAC 480-70-160 Certificates, qualifications for. Applicant for a certificate of public convenience and necessity must show that he is fit, willing and able to provide the proposed service and, in addition, the granting thereof shall be determined by the provisions of section 5, chapter 295, Laws of 1961 [RCW 81.77.030], as amended.

[Order R-5, § 480-70-160, filed 6/6/69, effective 10/9/69.]

WAC 480-70-170 Certificate, must abide by. No change of service as to route, line, or territory may be made which is an extension of certificate authority without approval of and a revision of the certificate by the commission. Every carrier must adhere strictly to his authorized line, route, or territory. Deviation will be a violation of rules and law and subject to penalty as provided in WAC 480-70-430.

[Order R-5, § 480-70-170, filed 6/6/69, effective 10/9/69.]

WAC 480-70-180 Certificate, sale, etc. Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein, shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary public and accompanied by the applicable fee.

[Order R-90, § 480-70-180, filed 1/19/77; Order R-5, § 480-70-180, filed 6/6/69, effective 10/9/69.]

WAC 480-70-190 Miscellaneous fees.

Application for certificate of public convenience and necessity	\$150.00
Application for extension of service, line, route or territory, under a certificate	150.00
Application for a temporary certificate	35.00
Application for sale, transfer or lease of a certificate or any interest therein	150.00

Application for authority to mortgage a certificate	35.00
Application for issuance of duplicate certificate	3.00

[Order R-50, § 480-70-190, filed 8/8/73; Order R-5, § 480-70-190, filed 6/6/69, effective 10/9/69.]

WAC 480-70-200 Certificates, duplicates. All applications for the issuance of a duplicate certificate of public convenience and necessity must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

[Order R-5, § 480-70-200, filed 6/6/69, effective 10/9/69.]

WAC 480-70-210 Certificates, reinstatement. Whenever an order is entered by the commission revoking a previous order granting a certificate of public convenience and necessity, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

[Order R-5, § 480-70-210, filed 6/6/69, effective 10/9/69.]

WAC 480-70-220 Application fees forfeited-denied application, no renewal for six months. (1) Any application for a certificate, or application for extension or change of service upon which a hearing has been ordered by the commission, shall be dismissed without further notice for failure of the applicant to appear at the hearing.

(2) Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund.

(3) No person whose application for a certificate has been denied, after hearing, under any of the provisions of this chapter, shall be eligible to renew the application for a period of six months from the date of the order denying such application.

[Order R-5, § 480-70-220, filed 6/6/69, effective 10/9/69.]

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

(2) In cases of dual operation also requiring common and/or contract motor carrier permits issued under chapter 81.80 RCW the operator shall file separate reports commencing

ing with the calendar year 1972. Such motor carrier reports shall, at the minimum, contain the segregated revenues applicable to the operations under the motor carrier permit and shall contain a listing of the revenue equipment fully and partially dedicated to such operations and such expenses and net investment as are capable of direct assignment. However, companies filing separate reports under common or contract motor carrier permits and reporting over \$100,000 in annual gross operating revenues from such common or contract motor carrier operations must report on a fully separated basis, operating revenues, operating expenses and operating property together with related reserves for depreciation in order that net operating income as well as net investment under common or contract motor carrier permits can be determined. To the extent that these elements are not wholly directly assignable such reports must reflect separations based on reasonable allocations and apportionments.

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

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

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

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

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

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

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

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

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

WAC 480-70-245 Agreements to operate certificates. (1) When a certificated carrier possesses exclusive authority in an area and due to lack of ownership of suitable equipment is unable to adequately serve his customers such certificated carrier may enter into an agreement with another certificated carrier not possessing authority in the area, but

possessing the required equipment necessary to provide the service. The agreement must be filed with and approved by the commission before such service is rendered under the agreement.

(2) Customer billing will be rendered by the certificated carrier possessing the proper authority in the area at the rates and charges contained in that carrier's tariff on file with the commission. The terms of reimbursement for the service rendered by the performing carrier must be stated in and be a part of the agreement entered into between the carriers.

[Order R-31, § 480-70-245, filed 10/18/71.]

WAC 480-70-250 Insurance. Within ten days after the date an applicant is notified that its application has been granted, and before a certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, or a surety bond written by a company of a company licensed to write surety bonds in the state of Washington, on each motor-propelled vehicle used or to be used in transporting garbage or refuse under the certificate granted, in the amount of not less than one hundred thousand dollars for recovery for personal injury by one person, and not less than seven hundred fifty thousand dollars for recovery for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the insured, or combined bodily injury and property damage liability insurance or surety bond of not less than seven hundred fifty thousand dollars.

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

[Statutory Authority: RCW 80.01.040. 94-11-004 (Order R-414, Docket No. TG-940127), § 480-70-250, filed 5/4/94, effective 6/4/94; Order R-5, § 480-70-250, filed 6/6/69, effective 10/9/69.]

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

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

WAC 480-70-270 Insurance termination. All insurance policies issued under the requirements of chapter 295, Laws of 1961 [chapter 81.77 RCW], as amended, shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, and said thirty days' notice to commence to run from the date notice is actually received by the commission.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted prior to sixty days before the desired termination date.

[Order R-5, § 480-70-270, filed 6/6/69, effective 10/9/69.]

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

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS:

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

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

SCHEDULE

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

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

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

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

This bond may be canceled by the surety at any time by filing written notice with the Washington utilities and transportation commission stating when the cancellation shall

be effective, but in no case shall such cancellation notice be effective within thirty days after the receipt of such notice by the Washington utilities and transportation commission.

Signed, sealed and dated this day of, 19. . .

Principal
Surety

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

WAC 480-70-290 Equipment of motor vehicles. Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

[Order R-5, § 480-70-290, filed 6/6/69, effective 10/9/69.]

WAC 480-70-300 Motor vehicles, identification. For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under the certificate of public convenience and necessity, shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, the name of the certificate holder, and his address.

[Order R-5, § 480-70-300, filed 6/6/69, effective 10/9/69.]

WAC 480-70-310 Motor vehicles, safety, sanitary, inspection. All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

[Order R-5, § 480-70-310, filed 6/6/69, effective 10/9/69.]

WAC 480-70-320 Motor vehicles, safe operation. All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

[Order R-5, § 480-70-320, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

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

WAC 480-70-330 Drivers, hours of work. (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all solid waste collection companies operating under chapter 81.77 RCW.

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

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

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

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

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

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

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

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

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

- Class A - Those carriers having an annual yearly gross revenue of \$1,000,000 or over per year.
- Class B - Those carriers having an annual yearly gross revenue of less than \$1,000,000 per year.
- Class C - Specialized carriers, generally hauling specific waste products for specific customers. This class of carrier is not involved in traditional residential or commercial solid waste operations.

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

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

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

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

operated and shall show on the face thereof the exact period covered thereby.

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

[Statutory Authority: RCW 80.01.040, 92-03-082 (Order R-367, Docket No. TG-911200), § 480-70-350, filed 1/15/92, effective 2/15/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW, 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-350, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040, 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-70-350, filed 12/15/89, effective 1/15/90. Statutory Authority: RCW 81.01.040(1) and (4)[80.01.040(1) and (4)], 81-15-093 (Order R-167, Cause No. TG-1502), § 480-70-350, filed 7/22/81; Order R-31, § 480-70-350, filed 10/18/71; Order R-5, § 480-70-350, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

amount sufficient to make possible the operation of the carrier's own equipment at a profit.

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

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

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

WAC 480-70-370 Disabled motor vehicles—Substitution. In the event a motor vehicle operated under a certificate becomes disabled while en route, temporary substitution therefor of a vehicle, whether operated under a certificate or not, may be made for the purpose of completing the trip. Such substitute equipment shall not be used other than in the completion of such trip, and such substitution shall be immediately reported to the commission.

[Order R-5, § 480-70-370, filed 6/6/69, effective 10/9/69.]

WAC 480-70-380 Equipment—Order for repairs. Inspectors, field agents, and patrolmen shall order to a repair shop any piece of equipment in need of repairs, and the vehicles shall not be used in further service until necessary corrections have been made and an inspection by a state inspection station or officer.

[Order R-5, § 480-70-380, filed 6/6/69, effective 10/9/69.]

WAC 480-70-390 Discontinuance of service, commission approval required. No solid waste collection company shall discontinue the service called for under its certificate and tariff schedule filed thereunder without first having given to the commission and to the public at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

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

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

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

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

(a) The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2; part 393; part 396, except that with respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found; and part 397 are adopted and prescribed by the commission to be observed by all solid waste collection companies operating under chapter 81.77 RCW.

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

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

(d) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383, part 391 excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) are adopted and prescribed by the commission to be observed by all solid waste collection companies operating under chapter 81.77 RCW except:

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

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

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

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

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

type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

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

[Statutory Authority: RCW 80.01.040. 94-14-011 (Order R-419, Docket No. TG-940456), § 480-70-400, filed 6/23/94, effective 7/24/94; 92-02-081 (Order R-356, Docket No. TG-900482), § 480-70-400, filed 12/31/91, effective 1/31/92. Statutory Authority: RCW 80.01.040 and chapter 81.77 RCW. 91-03-053 (Order R-335, Docket No. TG-900718), § 480-70-400, filed 1/14/91, effective 2/14/91. Statutory Authority: RCW 80.01.040. 89-06-021 (Order R-295, Cause No. TV-2225), § 480-70-400, filed 2/23/89. Statutory Authority: RCW 81.77.030. 83-06-015 (Order R-194, Cause No. TG-1686), § 480-70-400, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.77.030. 82-05-021 (Order R-183, Cause No. TG-1568), § 480-70-400, filed 2/10/82; 81-19-034 (Order R-176, Cause No. TG-1527), § 480-70-400, filed 9/10/81; 81-18-047 (Order R-172, Cause No. TG-1509), § 480-70-400, filed 8/28/81. Statutory Authority: RCW 80.01.040 and 81.77.030. 80-11-007 (Order R-145, Cause No. TG-1357), § 480-70-400, filed 8/7/80; Order R-5, § 480-70-400, filed 6/6/69, effective 10/9/69.]

WAC 480-70-405 Accident reporting. (1) Accidents occurring in this state arising from or in connection with the operations of any solid waste company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119.

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

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

WAC 480-70-410 General application of rules. The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

[Order R-5, § 480-70-410, filed 6/6/69, effective 10/9/69.]

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

every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation.

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

WAC 480-70-430 Rules, waiver. Application for the waiver or modification of any of the rules and regulations of the commission shall be made in accordance with the following instructions.

(1) Application should be directed to the Washington Utilities and Transportation Commission, Olympia, Washington, and should be typewritten on one side only, on paper 8-1/2 x 11 inches in size.

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

[Order R-5, § 480-70-430, filed 6/6/69, effective 10/9/69.]

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

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

*Also contained in rules of tariff circular 6.

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

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

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

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

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

biohazardous or biomedical waste of employees and the public;

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

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

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

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-70-510 Training requirements. (1) An employee training plan describing the treatment, handling, transportation, and disposal of biohazardous or biomedical waste. Employee training must include emergency procedures to be used for spills of biohazardous or biomedical waste, rupture of containers, and equipment failure. This plan must include procedures for cleanup protection of personnel, notification procedures following a spill, disposal of spill residue, repackaging of biohazardous or biomedical waste, and alternate arrangements for biohazardous or biomedical waste treatment, storage, and disposal.

(2) Drivers handling and transporting biohazardous or biomedical waste shall be certified by the carrier as receiving training. Such training shall include as a minimum:

- (a) Safe operation of vehicles used to transport biohazardous or biomedical waste and vehicle equipment inspection procedures;
 - (b) Handling of medical waste, health hazards associated with the handling and disposal of biohazardous or biomedical waste;
 - (c) Knowledge of packaging requirements;
 - (d) Personal hygiene practices;
 - (e) Protective clothing and equipment for drivers;
 - (f) Contamination control procedures—vehicle and equipment;
 - (g) Spills and emergencies;
 - (h) Shipping paper requirements.
- (3) The form for the certificate of employee training is as follows:

CERTIFICATE OF EMPLOYEE TRAINING

Name of Carrier:

Driver's Name:

Operator's Driver's License No.:

Dates of Training:

Signature of driver acknowledging completion of training program:

..... Date:

Signature of employer representative certifying that employee received training:

..... Date:

[Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-510, filed 6/21/90, effective 7/22/90.]

WAC 480-70-530 Packaging and containment. (1)

Biohazardous or biomedical waste, except for sharps waste as defined in WAC 480-70-050 (8)(f), shall be contained in bags or lined containers which are impervious to moisture and have a strength sufficient to resist ripping, tearing, or bursting under normal conditions of transportation. The bags shall be secured so as to prevent leakage during handling and transportation.

(2) Biohazardous or biomedical waste defined as sharps waste in WAC 480-70-050 (8)(f) shall be contained for transportation in leak-resistant, rigid, puncture-resistant containers which are secured to preclude loss of the contents. Such containers shall be labeled with the word "biohazardous" or "biomedical."

(3) Before biohazardous or biomedical waste is transported from a facility, the waste contained in bags or disposable containers shall be placed by the transporter in disposable or reusable pails, cartons, drums, or portable bins. The containment system shall be leak-resistant, have tight-fitting covers, and be kept clean and in good repair. The containers may be any color and shall be labeled with the word "biohazardous" or "biomedical." Packaging and containment of biohazardous or biomedical waste shall comply with local and state regulations.

(4) Reusable containers for biohazardous or biomedical waste shall be thoroughly washed and decontaminated each time they are emptied, pursuant to local and state requirements.

[Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-530, filed 6/21/90, effective 7/22/90.]

WAC 480-70-540 Transfer of biohazardous or biomedical waste to off-site treatment and disposal facilities.

Biohazardous or biomedical waste shall be transported for treatment, storage, or disposal only to a facility that meets all local, state, and federal environmental regulations, as determined by the appropriate local, state, and federal agencies. Biohazardous or biomedical waste shall not be compacted prior to treatment by the transporter.

[Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-540, filed 6/21/90, effective 7/22/90.]

WAC 480-70-550 Shipping paper requirements. (1)

A carrier who transports biohazardous or biomedical waste to an off-site treatment, storage, or disposal facility must have a shipping paper with the shipment which contains the following information:

- (a) Name and address of the generator of the biohazardous or biomedical waste;
- (b) Name of the person representing the generator from whom delivery is accepted;

- (c) Name of the carrier;
- (d) Date of collection;
- (e) Destination, naming final disposal, and storage or treatment site;

(f) A general statement as to the type and quantity of biohazardous or biomedical waste delivered to the carrier;

(g) The shipping paper shall be signed by a representative of the generator of biohazardous or biomedical waste, such signature acknowledging delivery and compliance with all applicable state and local rules pertaining to packaging and containment;

(h) The shipping paper shall be signed by a carrier representative who accepts the waste for transportation, such signature acknowledging receipt of the biohazardous or biomedical waste;

(i) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper shall be signed by a representative of the facility which accepts the biohazardous or biomedical waste for treatment, storage, or disposal, such signature acknowledging acceptance.

(2) A copy of the shipping paper of each shipment must be retained by the carrier at the main office of the carrier for three years, and is subject to inspection by the commission.

(3) Use of the hazardous waste shipping paper is not required by the generator or transporter of biohazardous or biomedical waste.

[Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-550, filed 6/21/90, effective 7/22/90.]

WAC 480-70-560 Insurance requirements. Every biohazardous or biomedical transporter must provide proof of liability and property damage insurance, or other form of financial surety as contained in WAC 480-70-250, in an amount not less than one million dollars to provide for recovery for bodily injury and property damage resulting in an accident involving a vehicle used or to be used in transporting biohazardous or biomedical waste.

[Statutory Authority: RCW 80.01.040. 90-13-118 (Order R-321, Docket No. TG-2293), § 480-70-560, filed 6/21/90, effective 7/22/90.]

WAC 480-70-570 Reporting of accidents. (1)

Each common or contract solid waste hauler transporting biohazardous or biomedical waste in this state shall report to the commission as soon as possible, but in no event later than twelve hours after any leakage or spillage of biohazardous or biomedical waste which could endanger employees of the carrier or the public at the scene of an accident or any accident involving injury to any person, death of any person, or property damage. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119.

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

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

WAC 480-70-700 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 company 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 480-75 WAC

PETROLEUM PIPELINE COMPANIES

WAC

480-75-010 Annual reports.

WAC 480-75-010 Annual reports. The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission is hereby adopted for all petroleum pipeline companies. At the close of each calendar year every petroleum pipeline company must secure from the commission two copies of the annual report forms. The annual report is to be completed for the calendar year's operations. One completed copy of the annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

[Statutory Authority: RCW 80.01.040, 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-75-010, filed 12/15/89, effective 1/15/90.]

Chapter 480-80 WAC

UTILITIES GENERAL—TARIFFS

WAC

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480-80-390	Mandatory cost changes for telecommunications companies.

WAC 480-80-010 Application of rules. (1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the Washington utilities and transportation commission as to rates and service.

(2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.

(3) In no case shall any utility deviate from these rules unless authorized in writing by the commission.

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

WAC 480-80-020 Saving clause. These rules shall not be construed as affecting the validity of any presently effective tariff provisions or pending tariff revisions. Attention shall be given by each utility to bringing presently effective tariffs into compliance with these rules so that all tariffs shall, within a reasonable period of time, conform as to tariff arrangement.

[Order R-5, § 480-80-020, filed 6/6/69, effective 10/9/69.]

WAC 480-80-030 Definitions. (1) "Utility," when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the commission as to rates and service.

(2) "Commission," when used in these rules, means the Washington utilities and transportation commission.

(3) "Tariff," as used in these rules, shall mean the complete tariff or any portion thereof containing those rate schedules and rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations and the applicable statutes and which is applied to specific groups of

customers within any particular territory but shall exclude special contracts for special rates, service and facilities.

(4) "Banded tariff," as used in these rules means a tariff filed by a telecommunications company in which at least one element of the rate schedule (WAC 480-80-230) is a band consisting of a maximum and minimum rate within which the rate may vary.

(5) "Number," "numbers," "numbered" and "numbering," when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated.

[Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-030, filed 9/19/85; Order R-5, § 480-80-030, filed 6/6/69, effective 10/9/69.]

WAC 480-80-040 Tariff. Each utility shall file with the commission in accordance with the public service laws of the state of Washington and these rules and regulations, its tariff or tariffs containing schedules showing all rates, charges, tolls, rentals, rules and regulations, privileges and facilities established by that utility for service rendered or commodity furnished.

[Order R-5, § 480-80-040, filed 6/6/69, effective 10/9/69.]

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

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

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

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

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

(3) Information detailing the revenue impact of the banded tariff.

[Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-045, filed 9/19/85.]

WAC 480-80-047 Access charges. (1) Review of tariffed access charges required. All local exchange telecommunications companies in the state of Washington shall annually review and if necessary update the traffic sensitive and nontraffic sensitive carrier common line switched access tariffs and billing and collection tariffs on file with the commission. The review shall be conducted in the manner prescribed in the Eighteenth and Nineteenth Supplemental Orders in Cause No. U-85-23 et al., including the transition

to a twenty-five percent allocation factor, or as may be otherwise prescribed by commission order or rule, and each company's access charge revenue requirement shall be adjusted for changes in extended area service routes that have occurred since the previous update.

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

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

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

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

WAC 480-80-048 Collective consideration of Washington intrastate rate, tariff, or service proposals.

(1) Upon approval by the commission of its rules of procedure, the Washington Exchange Carrier Association (WECA) may file with the commission petitions and publish and file with the commission tariffs and may represent before the commission those of its members that authorize it to do so. WECA's rules of procedure may provide for joint or collective consideration of proposals for changes in intrastate toll, interexchange and/or access rates, tariffs or conditions of service.

(2) All initial WECA tariffs and all changes to such tariffs shall be submitted to the commission subject to all the procedural requirements and protections associated with telecommunications company filings before the commission.

(3) Nothing contained in this rule shall prevent any member of WECA from independently submitting to, or filing with, the commission directly any tariff, revenue requirement computation, report, or proposal.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision shall not compromise the independent evaluation by the commission of any filing or proposal which must be submitted to the commission for final approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds pursuant to commission orders authorizing certain revenue sharing arrangements under common tariff, it shall maintain and provide to the commission monthly and annual financial reports relating to such arrangements. These reports shall include actual fund collections and distributions to each member local exchange company and the basis upon which the collection and distribution is made.

(6) Each local exchange telecommunication company serving less than one million access lines in the state of Washington has the option of utilizing the Washington

Exchange Carrier Association as its filing agent/tariff bureau. Companies utilizing WECA may file collectively nontraffic sensitive, traffic sensitive, special access and/or billing and collection revenue and revenue requirement computations and/or tariffs.

(7) Nothing in this section shall be construed as amending or modifying WECA's current methods of administering the NTS/USF pools or the community calling fund under WAC 480-120-400, et. seq.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 92-07-010 (Order R-370, Docket No. UT-910856), § 480-80-048, filed 3/6/92, effective 4/6/92.]

WAC 480-80-049 Caller identification service. Any caller identification service provided by a telecommunications company shall include the option for calling parties to block the delivery of their numbers, names, or locations. This option shall be available on a per call or per line basis without any recurring charges. This section does not apply to the delivery of caller numbers, names, or locations to a 911 or enhanced 911 service, or other emergency service, or a customer originated trace.

[Statutory Authority: RCW 80.01.040. 92-08-075 (Order R-371, Docket No. UT-920162), § 480-80-049, filed 3/30/92, effective 4/30/92.]

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

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

WAC 480-80-060 Delivery of tariff. No tariff issued by any utility will be accepted for filing, if not otherwise excepted, unless it is delivered to the commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff is to become effective, as noted, accompanied by a statement that public notice, as required, has been given to the public immediately prior to or coincident with the date upon which such proposal is transmitted to this office. No consideration will be given to the time during which a tariff may be held for delivery charges. The issued date and the effective date must be clearly indicated in the appropriate space on each sheet. The issued date must be a date either prior to or coinciding with the date on the letter accompanying the tariff.

[Order R-5, § 480-80-060, filed 6/6/69, effective 10/9/69.]

WAC 480-80-070 Statutory notice. Except as otherwise hereinafter provided by law or rule, a tariff that is received by the commission too late to give the commission, as well as the public, the full thirty days' notice required by law will be returned to the sender. When any tariff is issued as to which the commission and the public are not given statutory notice, the tariff has the same status as if the tariff had not been issued and full statutory notice must be given on any reissuance thereof. No consideration will be given

to telephone and telegraph notices in computing the thirty days' notice required. Tariffs or tariff revisions submitted by telefacsimile transmission will be accepted: *Provided*, That they comply with all other requirements imposed by statute or rule, and that the signed original and the required number of copies of such tariff or tariff revisions are delivered to the secretary of the commission the following business day. Facsimiles shall be deemed filed at the date and time the facsimile is received and printed in the offices of the commission. Tariffs received on Saturdays, Sundays and holidays or after 5:00 p.m. shall be considered as having been received on the following business day.

[Statutory Authority: RCW 80.01.040. 89-15-042 (Order R-303, Docket No. U-89-2970-R), § 480-80-070, filed 7/18/89, effective 8/18/90; Order R-5, § 480-80-070, filed 6/6/69, effective 10/9/69.]

WAC 480-80-080 Tariff file at principal business office. (1) Each utility shall provide and maintain at its principal business office, currently listed with and acknowledged by letter of the commission, a complete file of the effective tariff which it issues or is a party to, which file will be in charge of an employee of the utility who shall give desired information and assistance to those who may wish to consult such file. This file shall be open and accessible to the public on the ordinary business days and during the ordinary hours of said office.

(2) Each of the utilities whose principal business office is not in Washington shall designate some one place in Washington, to be acknowledged by letter of the commission, at which place such complete file shall be kept.

(3) Any utility which has not obtained written acknowledgement of its principal business office since June 1, 1959, will be required to do so before further tariff revisions will be entertained from that utility.

(4) There shall be kept posted by the utility, in a public and conspicuous place in every such office, a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN THIS OFFICE AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

[Order R-5, § 480-80-080, filed 6/6/69, effective 10/9/69.]

WAC 480-80-090 Tariff file at designated business offices. (1) Each utility shall keep at each designated business office, currently listed with and acknowledged by letter of the commission, (this list shall contain all of the utility's offices, other than its principal business office, that are normally open to the public for the transaction of business relating to the state of Washington and to which the utility so certifies) a complete and correct copy of the tariff containing rates applicable to the territory under the jurisdiction of that office: *Provided*, That telephone and telegraph

utilities will be required to keep interexchange and telegraph rates at toll checking centers only.

(2) Any utility which has not obtained written acknowledgement of its designated business offices since June 1, 1959, will be required to do so before further tariff revisions will be entertained from that utility.

(3) There shall be kept posted by the utility, in a public and conspicuous place in every such office, a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN THIS OFFICE AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

[Order R-5, § 480-80-090, filed 6/6/69, effective 10/9/69.]

WAC 480-80-100 Payment agencies. (1) In payment agencies (offices other than those of the utility but in which are located persons authorized to receive payment for the utility's billed accounts) and in utility offices not listed as business offices because they are not always open to the public, there shall be kept posted by the utility in a public and conspicuous place a notice not smaller than 8" x 10" in size, printed in bold type, as follows:

(Name of Utility)

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED UTILITY, APPLICABLE TO THIS TERRITORY, IS MAINTAINED IN. . . . (Name, address, and telephone number of nearest listed business office responsible for that service area) AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. A REPRESENTATIVE OF THE UTILITY WILL ASSIST IN SECURING INFORMATION FROM THE TARIFFS.

(2) In lieu of the notice specified in the preceding subsection, the utility may stamp or print on each bill or envelope in which such bill is mailed, or enclose therewith, a statement giving the name, address and telephone number of its nearest listed business office at which such tariffs are maintained. Commencing ninety days or earlier from July 31, 1959 this procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area.

[Order R-5, § 480-80-100, filed 6/6/69, effective 10/9/69.]

WAC 480-80-110 Reference to tariff file. (1) Each utility shall keep tariff files complete and in readily accessible form and shall assist those desiring information therefrom without requiring or requesting the inquirers to assign any reason for such desire.

(2) Every utility shall check its tariff file at each office where kept at least once every six months.

[Order R-5, § 480-80-110, filed 6/6/69, effective 10/9/69.]

WAC 480-80-120 Notice to the public of tariff changes. (1) Except as to variations between the prescribed maximum and minimum rates in banded tariffs previously authorized by the commission, every utility desiring to change, modify, cancel or annul any rate, must place on file the tariff containing such modification or change at its listed business offices in the territory affected thereby for a period of at least thirty days prior to the expiration of statutory notice in connection therewith. A notice, coincident with or immediately prior to the date of such filing, that such tariff is on file at said offices shall be posted at the cashier's windows or other places where the customers pay their bills at the aforesaid offices. Said posted notice shall give anyone viewing same a brief summary as to the content of the tariff; state that the tariff is being submitted to the Washington utilities and transportation commission at Olympia; indicate the inserted effective date thereof; and relate that a copy of the tariff is available for inspection.

(2) If there is no listed business office in the territory to be affected by a tariff proposal subject to this notification but there is a payment agency therein, posted notice with the same content and timing as set forth above shall be employed at each such agency which notice, in addition thereto, shall give the name, address and telephone number of the nearest listed business office responsible for that service area at which such tariff may be examined in person without assigning any reason therefor.

(3) In lieu of the above posted notice, insofar as payment agencies are concerned, the utility may stamp or print on each bill or envelope in which such bill is mailed, enclose therewith or separately mail, with the same content as set forth above with respect to the posted notice in payment agencies and at the earliest practicable date subsequent to filing, a notice to each subscriber to be affected by the tariff proposal. Commencing ninety days or earlier from July 31, 1959, the latter procedure must be followed in those instances where a utility does not have a listed business office or a payment agency in the service area where notice, as set forth above, could otherwise be employed in a service area subject to a tariff proposal falling within this notification procedure.

(4) Whenever the alternative provision is chosen or must be used, the utility shall use such other adequate and appropriate means of notification, on or by the filing date, that will reasonably insure notice to the public of tariff revisions proposed and the effect on the public in the service area or areas involved. Such other notification may include personal contacts, letters or mailing pieces, newspaper articles or advertisements and radio and television announcements.

(5) The commission may require such other notification to the public as may be necessary in any particular case of tariff filing: *Provided*, That where a tariff or a part of a tariff is filed involving no increase in charges to its patrons; where the users to be affected by a tariff change are so few in number the utility chooses to advise each by direct mail or contact; or where there is no one to be affected by the

tariff proposal, the utility may forego posting of notice relative thereto and will not be required to have a copy of the proposed tariff available for inspection.

(6) The inserted effective date, unless otherwise directed, shall be a date not less than thirty days after the date the commission receives the tariff. Also, if the commission permits the tariff to become effective without statutory notice, the period of notice to the public shall still be for at least thirty days after the date the commission receives the tariff.

[Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-120, filed 9/19/85; Order R-5, § 480-80-120, filed 6/6/69, effective 10/9/69.]

WAC 480-80-125 Notice by utility to customers concerning hearing. The purpose of this requirement is to ensure that customers of a utility which is proposing a rate increase or a banded tariff which proposes an increase in the maximum rate receive reasonable notice of the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

(1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it or proposes a banded tariff which includes an increased maximum rate, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the amount of the proposed increase expressed in (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills distributed by the utility to its customers, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation. As an alternative the utility may make a separate distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas

affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

IMPORTANT NOTICE
(Company) is Requesting
A Rate Increase

Washington Utilities
and Transportation
Commission

Cause No. U-

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

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

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

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (360) 753-6451 or write to:

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

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

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

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

Name of Company Official
Title of Company Official
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Type of Service	Range of Requested Increases or Increases in Unit Price	Typical Increase in Average Bill (Dollars)
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(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

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

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

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

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

WAC 480-80-130 Notation of receipt of tariff by agents. Each utility shall require its agent or other representative at every office where tariffs are required to be on file, upon receipt of a tariff or part of a tariff for filing at that office, to make a written receipt therefor showing the date when it was received and the date when it was filed and the utility shall keep and preserve such receipts for a period of at least one year.

[Order R-5, § 480-80-130, filed 6/6/69, effective 10/9/69.]

WAC 480-80-140 Form of tariff sheets. All sheets of tariffs must be clearly printed or typed on forms comparable with the commission's standard forms. These forms shall be 8-1/2" x 11" in size and of comparable paper to that used for utility tariff purposes by the commission. Tariff sheets shall have sufficient space on the left margin for binding.

[Order R-5, § 480-80-140, filed 6/6/69, effective 10/9/69.]

WAC 480-80-150 Numbering of tariffs. When a utility supplies more than one kind of service, such as electric, water or gas, it shall file separate tariffs for each kind of service. Each completely new tariff hereafter filed will bear a WN U-serial number and each tariff so numbered must be given the next numerical WN U-number not heretofore assigned to the utility's tariffs. The number shall be the official designation of the tariff. The use of additional tariff designations by the utility will be permitted.

[Order R-5, § 480-80-150, filed 6/6/69, effective 10/9/69.]

WAC 480-80-160 General arrangement of tariff. (1) Each utility tariff shall consist of a standard title page, a standard index page, a complete set of rules and regulations governing service and a set of rate schedule sheets.

(2) Each sheet of every tariff shall contain, in general, the tariff number, the tariff sheet number, the name of the utility issuing the tariff and the issued date and the effective date of the sheet. One copy of each sheet must bear the actual or facsimile signature of the one authorized to issue and file tariffs.

[Order R-5, § 480-80-160, filed 6/6/69, effective 10/9/69.]

WAC 480-80-170 Schedule designation. Scheduled numbers or letters shall be assigned so as to facilitate reference to the schedules.

[Order R-5, § 480-80-170, filed 6/6/69, effective 10/9/69.]

WAC 480-80-180 Tariff sheet designation. (1) Each sheet of every utility tariff shall bear a sheet number, each number differing from the other. Upon the first publication of the sheet it shall be designated as original sheet The same sheet number shall appear on all subsequent

revisions of the sheet and the revisions of the sheet shall be numbered substantially as follows:

On the first revision the sheet shall be designated:
FIRST REVISION OF SHEET
CANCELLING
ORIGINAL SHEET

On the second revision the sheet shall be designated:
SECOND REVISION OF SHEET
CANCELLING
FIRST REVISION OF SHEET

(2) On all subsequent revisions the sheet shall bear consecutive revision numbers and shall indicate the cancellation of the superseded sheet unless circumstances dictate otherwise. Any tariff sheet which has been filed and which has been subsequently withdrawn or rejected, before the expiration of statutory notice in connection therewith or by order, shall be considered as not having been issued in the first instance insofar as subsequent sheet numbering is concerned.

(3) No sheet, once cancelled and removed from the tariff, shall be reactivated during the current life of the tariff with which it was associated unless it bears the appropriate revision thereof and contains the same basic material.

[Order R-5, § 480-80-180, filed 6/6/69, effective 10/9/69.]

WAC 480-80-190 Numbering plan for sheets. In the construction of a tariff it should be remembered that it will probably be necessary in the future to file additional rates, rules and regulations, etc. To provide a proper place for these subsequent filings in proper relation to schedules, etc., already filed, reservation of sheet numbers should be considered.

[Order R-5, § 480-80-190, filed 6/6/69, effective 10/9/69.]

WAC 480-80-200 Title page. (1) The title page of each tariff shall appear as the first sheet of each tariff and shall show the tariff number, the cancelled tariff number when applicable, the name of the utility issuing the tariff, the service offered, the territory to which the tariff applies, the issued date and the effective date of the sheet, the complete name and address of the issuing utility and the signature or facsimile signature and title of the one authorized to issue the tariff.

(2) Whenever a town, city or district is added to or deleted from a territory, then the title page of the tariff applicable to that territory shall be revised in keeping therewith and in accordance with the specifications for the revision of sheets as set forth in these rules.

[Order R-5, § 480-80-200, filed 6/6/69, effective 10/9/69.]

WAC 480-80-210 Index page. (1) The index page of each tariff shall appear as the second sheet of each tariff and shall show the tariff number, the name of the utility issuing the tariff, the issued date and the effective date of the sheet, the signature or facsimile signature and title of the one authorized to issue the tariff and shall contain a complete and accurate list of the contents of the tariff by schedule number, sheet title and sheet number.

(2) Whenever a new tariff sheet is added to a tariff and that sheet is not listed in the index page of the tariff at that time then the index page of the tariff shall be revised in accordance with these rules.

[Order R-5, § 480-80-210, filed 6/6/69, effective 10/9/69.]

WAC 480-80-220 Rules and regulations page. (1) Each utility filing a tariff or tariffs with the commission shall include, as a part of that tariff, a complete set of rules and regulations governing service under that tariff. These rules and regulations shall cover at least the following when applicable:

- (a) Application for service
- (b) Definition of service
- (c) Reconnection charge
- (d) Service connection
- (e) Installation of meters
- (f) Distribution main extension and line extension (except where filed as a rate schedule)
- (g) Responsibility for, and maintenance of, service
- (h) Access to premises
- (i) Interruptions to service
- (j) Bills
- (k) Deposits
- (l) Delinquent accounts
- (m) Discontinuance of service
- (n) As to each service to which banded rates are applicable, the manner by which the utility will give notice to its customers of changes within the limits of the band.

(2) Such additional rules and regulations as are necessary shall also be filed. Rules and regulations shall be published on consecutively numbered standard tariff sheets in accordance with these rules and revisions thereof shall be as outlined in these rules.

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

WAC 480-80-230 Rate schedule page. (1) Each schedule of rates shall contain the following, when applicable:

- (a) Schedule number and classification of service (name of locality and class of service. If rate is optional, so state.)
- (b) Kind of service (whether A.C. or D.C. Whether single phase or polyphase. Voltage frequency, etc.)
- (c) Availability
- (d) Rate
- (e) Minimum charge
- (f) Discount
- (g) All other factors entering into the computation of the bills under the schedule.

(2) For telephone and telegraph companies the following information shall be given, when applicable:

- (a) Exchange rate schedules to include:
 - (i) Primary rate schedules
 - (ii) Private branch exchange rate schedules
 - (iii) Miscellaneous rate schedules
 - (iv) Base rate area maps
 - (v) Exchange area maps
- (b) Inter-exchange service rate schedules to include:
 - (i) Basic rate schedules

- (ii) Supplementary rate schedules
- (iii) List of toll points
- (c) Telegraph rate schedules:
 - (i) Basic rate schedules
 - (ii) Supplementary rate schedules
 - (iii) List of telegraph points

(3) The rate schedules shall be published as outlined in these rules and revision thereof shall be in accordance with these rules and shall be accompanied by supporting data and an explanation as to the effect thereof, when applicable.

[Order R-5, § 480-80-230, filed 6/6/69, effective 10/9/69.]

WAC 480-80-240 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 480-80-250 Adoption notice. (1) In case of a change of ownership, or when a utility or portion thereof is transferred from the operating control of one utility to that of another or when the name of the utility is changed, the utility thereafter operating, if it intends to use the tariff of the former operating utility, shall, for each tariff so used, issue and file with the commission and shall, at the same time, post for thirty days at its listed business offices and its payment agencies in the area affected thereby, an adoption notice substantially as follows:

(Name of utility) hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed by it, all tariffs, rules, notices, concurrences, provisions, authorities, power of attorney or whatsoever other instruments filed with the Washington utilities and transportation commission or its predecessors by (Name of old utility) prior to (Date), the beginning of its possession. By this notice, it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc. which have heretofore been filed with the Washington utilities and transportation commission or its predecessors.

This notice may be filed and made effective on one day's notice. A similar adoption notice must be filed by a receiver when assuming control and possession of a utility's facilities.

(2) Until such time as an adopted tariff is refiled in the name of the utility which adopted same, all revisions thereto, subsequent to adoption, will bear at the top part of the sheet in the appropriate place the name of the utility whose tariff was adopted and at the bottom part of the sheet after "issued by" the name of the utility which adopted said tariff and is issuing the revision of the tariff. An adopted tariff may not be adopted by another.

[Order R-5, § 480-80-250, filed 6/6/69, effective 10/9/69.]

WAC 480-80-260 Tariff of acquired utility. Every utility acquiring ownership or control of another utility or portion thereof and filing a notice adopting the rates, rules and regulations, etc. of that utility, filed with the commission, shall within sixty days of the filing of such adoption notice, file those rates, rules and regulations, etc. as a part of its own tariff or as a separate tariff in its own name if it plans to continue to operate in accordance therewith. Every utility otherwise operating under an adopted tariff shall endeavor, at least within one year of the filing of such adoption notice, to file its rates, rules and regulations, etc. in its own name.

[Order R-5, § 480-80-260, filed 6/6/69, effective 10/9/69.]

WAC 480-80-270 Reference to tariff. (1) The filing of tariffs with the commission does not imply that the provisions of same are approved, unless the commission has prescribed the rates, rules and regulations or practices in an order, and utilities must not in any way make such inference.

(2) Rates and rules and regulations prescribed by the commission in its orders shall, in every instance, be observed by the utilities against which such orders are entered. The utility shall duly publish, file and post the necessary tariff sheets which shall show notation to that effect. Only those rates and rules and regulations so prescribed will carry such notation.

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[Order R-5, § 480-80-270, filed 6/6/69, effective 10/9/69.]

WAC 480-80-280 Issuing agent. The utility shall provide the commission with a list of the officials or persons and their titles who are authorized to issue and file tariffs in behalf of the utility and shall keep such list current. Any utility which has not made such a list available to the commission since June 1, 1959 will be required to do so before further tariff revisions will be entertained from that utility.

[Order R-5, § 480-80-280, filed 6/6/69, effective 10/9/69.]

WAC 480-80-290 Suspension of tariffs. (1) When the commission suspends a utility's tariff or part of a tariff, it will enter a suspension order setting forth the tariff or the parts of the tariff suspended. In that circumstance, the utility affected thereby shall cause a copy of said order to be associated with the tariff revision on file at its listed business offices and its payment agencies and all posted notices relative thereto shall be altered to bear reference to the terms of the order.

(2) When the commission vacates an order of suspension, it will issue an order stating the date on which the rates, rules and regulations, etc. are to become effective, if appropriate. In that circumstance, the utility affected thereby shall proceed as set forth in the preceding paragraph with respect to the filed tariff revision and posted notices and continue such filing and posting for at least thirty days from the date of filing and posting in those cases where the order provides for changes other than those sought.

(3) The tariff sheets affected by the vacation of an order of suspension will bear reference to said order.

[Order R-5, § 480-80-290, filed 6/6/69, effective 10/9/69.]

WAC 480-80-300 Rejection of tariffs. A tariff that is received in a form or filed in a method not in accordance with the form or method of tariff publication named in these tariff rules or that reflects retroactive rate treatment will be rejected by the commission and that tariff will have the same status as if it had not been issued and full statutory notice must be given on any reissue thereof.

[Order R-5, § 480-80-300, filed 6/6/69, effective 10/9/69.]

WAC 480-80-310 Exceptions. The commission may approve other methods of filing tariffs when the nature of a utility's operations fully warrant such permission being granted.

[Order R-5, § 480-80-310, filed 6/6/69, effective 10/9/69.]

WAC 480-80-320 Discontinuance of service. When a utility desires to discontinue a service or services, it shall file a cancellation of the particular tariff to be discontinued or file a revised tariff omitting the particular item or items discontinued, accompanied by advice referring to the items discontinued and the reason therefor. Such filing of cancellations shall be subject to full thirty days' statutory notice, unless made effective by a without statutory notice order, and shall be subject to all other provisions with respect to tariff filings.

[Order R-5, § 480-80-320, filed 6/6/69, effective 10/9/69.]

WAC 480-80-330 Telecommunications contracts.

(1) Contracts to be filed. All contracts with end use customers for the retail sale of regulated intrastate telecommunications services which contain or state rates or conditions not in conformance with any applicable tariff or which provide for telecommunications services which are not specifically addressed in the telecommunications company's published tariffs shall be filed with the commission in accordance with this section. For purposes of this section the modification of a previously executed contract will be treated as a new contract. This section shall not apply to contracts which offer services subject to a price list filed pursuant to WAC 480-120-027.

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

(3) Time for filing and effectiveness. With the exception of firm bid contracts allowed under subsection (4) of this section, each contract shall be filed with the commission in accordance with this subsection. A contract which does not qualify for treatment under subsection (4) of this section shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms unless earlier approved or rejected by the commission: *Provided*, That upon application and for good cause shown, the commission may approve the contract as of an effective date prior to the date that the contract would have become effective in accordance with this section.

(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply. Upon the acceptance of such a contract offer by the federal agency, the telecommunications company shall immediately file the contract with the commission and must include the same documentation required for approval by subsection (5) of this section.

(5) Documentation. Each contract and substantial contract modification filed pursuant to this section shall be accompanied by documentation to show that the contract does not result in undue or unreasonable discrimination between customers receiving like and contemporaneous service under substantially similar circumstances; and provides for the recovery of all costs associated with the provision of the services. In addition, the telecommunications company shall file the following information in conjunction with each contract submitted:

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

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

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

(6) Duration of contract. All contracts shall be for a stated time period.

(7) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.

[Statutory Authority: RCW 80.01.040. 89-12-038 (Order R-301, Docket No. U-88-1704-R), § 480-80-330, filed 6/1/89; 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-330, filed 10/28/88; Order R-5, § 480-80-330, filed 6/6/69, effective 10/9/69.]

WAC 480-80-335 Special contracts for electric, water, and natural gas utilities.

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

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

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

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

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

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

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

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

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

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

WAC 480-80-340 Forms. Samples of all forms on which bills are rendered, all forms on which items concerning billing are listed to be conveyed to the customer, all application blanks, and all contract forms shall be made available to the commission and shall be kept current.

[Order R-5, § 480-80-340, filed 6/6/69, effective 10/9/69.]

WAC 480-80-350 Refiling tariffs. A utility may be required to completely refile its tariff when the commission deems a refiling of the tariff necessary.

[Order R-5, § 480-80-350, filed 6/6/69, effective 10/9/69.]

WAC 480-80-360 Standard tariff forms. The commission will, upon request, furnish, at a nominal charge of two cents per sheet, standard title sheet forms or general forms.

[Order R-5, § 480-80-360, filed 6/6/69, effective 10/9/69.]

WAC 480-80-370 Symbols. Symbols shall be used to indicate the purpose and effect of all tariff material submitted to the commission.

These symbols shall appear on the right hand side of the text to which they apply and within the lined margin thereof.

The following list of symbols is to be used by all utilities:

C - to signify changed condition or regulation

D - to signify discontinued rate, regulation or condition

I - to signify increase

K - to signify that material has been transferred to another sheet or place in the tariff

M - to signify that material has been transferred from another sheet or place in the tariff

N - to signify new rate, regulation, condition or sheet

O - to signify no change*

R - to signify reduction

T - to signify a change in text for clarification

* The use of the symbol "O" shall be discretionary unless its use in the interest of clarity is evident or specifically requested by the commission.

[Order R-5, § 480-80-370, filed 6/6/69, effective 10/9/69.]

WAC 480-80-380 Availability of rules. A copy of these rules shall be available for public inspection at each listed business office of all utilities concerned.

[Order R-5, § 480-80-380, filed 6/6/69, effective 10/9/69.]

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

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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,

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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 480-90 WAC GAS COMPANIES—OPERATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-90-010	Application of rules. [Order R-5, § 480-90-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-011.
480-90-020	Saving clause. [Order R-5, § 480-90-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-016.
480-90-030	Definitions of terms as used in these rules. [Order R-5, § 480-90-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-021.
480-90-040	Statement of test procedures. [Order R-5, § 480-90-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-166.
480-90-050	Tariffs. [Order R-5, § 480-90-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-026.
480-90-060	Classification of accounts. [Order R-5, § 480-90-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.
480-90-070	Annual reports. [Order R-5, § 480-90-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

- 480-90-080 Information available. [Order R-5, § 480-90-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-041.
- 480-90-090 Complaints. [Order R-5, § 480-90-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.
- 480-90-100 Record of complaints. [Order R-5, § 480-90-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.
- 480-90-110 Filing of records and reports. [Order R-5, § 480-90-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-181.
- 480-90-111 Dispute as to billing. [Order R-27, § 480-90-111, filed 7/15/71.] Repealed by Order R-83, filed 6/30/76.
- 480-90-120 Identification of employees. [Order R-5, § 480-90-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.
- 480-90-130 Application for service. [Order R-5, § 480-90-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-046.
- 480-90-140 Contract for service. [Order R-5, § 480-90-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-061.
- 480-90-150 Deposits. [Order R-5, § 480-90-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-051.
- 480-90-160 Discontinuance of service by customer. [Order R-5, § 480-90-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.
- 480-90-170 Discontinuance of service by utility. [Order R-5, § 480-90-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.
- 480-90-180 Responsibility for delinquent accounts. [Order R-5, § 480-90-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-121.
- 480-90-190 Refusal of service. [Order R-5, § 480-90-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-056.
- 480-90-200 Quality of gas. [Order R-5, § 480-90-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-101.
- 480-90-201 Prohibited fixtures. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-201, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-206 Exemptions fixtures. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-206, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-210 Character of service. [Order R-5, § 480-90-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.
- 480-90-216 Prohibited service. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-216, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-220 Change in character of service. [Order R-5, § 480-90-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.
- 480-90-221 Exemptions—Prohibited service—Lighting of historical significance. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-221, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-226 Exemptions—Prohibited service—Memorial lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-226, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-230 Pressure variation. [Order R-5, § 480-90-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.
- 480-90-231 Exemptions—Prohibited service—Commercial lighting of a traditional nature. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-231, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-231, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-240 Changes in use. [Order R-5, § 480-90-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.
- 480-90-241 Exemptions—Prohibited service—Safety of persons and property. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-241, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-241, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-246 Exemptions—Prohibited service—Substantial expense and not cost justified. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-246, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-246, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-250 Adequacy and continuity of service. [Order R-5, § 480-90-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.
- 480-90-251 Exemptions—Prohibited service—Public interest. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-251, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-256 Exemptions—Stays. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-256, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-260 Distribution extensions. [Order R-5, § 480-90-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-066.
- 480-90-261 Temporary exemption—Time to install substitute lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-261, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-266 Utility to notify customer. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-266, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-270 Service connections. [Order R-5, § 480-90-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-081.
- 480-90-271 Petitions for exemption. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-271, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-276 Action for failure to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133,

- Cause No. U-79-45), § 480-90-276, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-280 Service entrance. [Order R-5, § 480-90-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-086.
- 480-90-281 Procedure for unknown prohibited use. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-281, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-286 Failure of utility to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-286, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.
- 480-90-290 Access to premises. [Order R-5, § 480-90-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.
- 480-90-300 Forms of bills. [Order R-5, § 480-90-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.
- 480-90-310 Dispute as to bills. [Order R-5, § 480-90-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-111.
- 480-90-320 Location of meter and regulator. [Order R-5, § 480-90-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-136.
- 480-90-330 Installation of meters. [Order R-5, § 480-90-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-131.
- 480-90-340 Meter reading. [Order R-5, § 480-90-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-126.
- 480-90-350 Determination of maximum demand. [Order R-5, § 480-90-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.
- 480-90-360 Initial accuracy of meters. [Order R-5, § 480-90-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.
- 480-90-370 Permissible error. [Order R-5, § 480-90-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-151.
- 480-90-380 Method of testing. [Order R-5, § 480-90-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.
- 480-90-390 Frequency of periodic tests. [Order R-5, § 480-90-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-171.
- 480-90-400 Meter history records. [Order R-5, § 480-90-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-176.
- 480-90-410 Dispute as to accuracy of meters. [Order R-5, § 480-90-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-156.
- 480-90-420 Free complaint meter test. [Order R-5, § 480-90-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.
- 480-90-430 Fee for extra-complaint meter tests. [Order R-5, § 480-90-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.
- 480-90-440 Identification of meters. [Order R-5, § 480-90-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-140.
- 480-90-450 Complaint reports. [Order R-5, § 480-90-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.
- 480-90-460 Refunds for inaccurate metering. [Order R-5, § 480-90-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-116.
- 480-90-470 Meter seals. [Order R-5, § 480-90-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.

480-90-480 Reports of accidents. [Order R-5, § 480-90-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

WAC 480-90-011 Application of rules. These rules shall apply to any public service company defined as such by the laws of the state of Washington, as amended, engaged in the manufacture, distribution, sale or furnishing of gas (natural or manufactured) for light, heat, power, refrigeration or air conditioning and which is subject to the jurisdiction of this commission, such public service company being hereinafter referred to as "utility."

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein, except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW.

[Order R-27, § 480-90-011, filed 7/15/71.]

WAC 480-90-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further these rules shall in no way relieve any utility from any of its duties under the laws of the state of Washington.

[Order R-27, § 480-90-016, filed 7/15/71.]

WAC 480-90-021 Glossary. (1) Commission - the Washington utilities and transportation commission.

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

(3) Customer - any person, partnership, firm, corporation, municipality, co-operative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Gas - any fuel gas, whether manufactured, natural, liquid petroleum or any mixture of these.

(a) Natural gas - a mixture of gaseous hydrocarbons and nonhydrocarbons, chiefly methane, occurring naturally in the earth which is delivered from the producing equipment to the customers through transmission and/or distribution systems.

(b) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

(c) Manufactured gas - any gas produced artificially by any process in which the gas is delivered from the generating or producing equipment into the transmission or distribution system.

(5) Cubic foot of gas - a volumetric unit of measure used in sales and testing.

(a) Sales - for the purpose of measuring gas for billing a cubic foot is normally that amount which occupies a volume of one cubic foot under the conditions existing in the customer's meter and as indicated thereon. However pressure and/or temperature recording or compensating devices may be employed to reflect other temperature or pressure base conditions for computing the volume sold. When temperature and/or pressure compensation factors are to be used to compute the volume of gas sold they will be used as set forth in the utility's tariff.

(b) Testing - for the purpose of testing, a cubic foot of gas shall be that amount which occupies a volume of one cubic foot at a temperature of sixty degrees fahrenheit and pressure of 14.73 pounds per square inch absolute.

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

(7) Therm - a unit of heat equal to 100,000 Btu's.

(8) Meter test - a test of the volumetric accuracy of a meter.

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as the result of a customer request.

(c) Proof test - a test made prior to each setting of a meter. New meters which are, upon receipt by the utility, acceptance tested to an acceptable sampling plan need not be 100% proof tested prior to the initial installation.

(d) Special test - any test other than a periodic, complaint or proof test.

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

(10) Household income - the total of all household members as determined by a grantee of the department of community development.

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

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

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

(14) Similar class of service - Business or residential. For establishment and administration of credit there are two classes of service. These two classes of service are business and residential. Business class of service includes all service classes other than residential.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or the applicable statutes are to be given that meaning generally accepted in the gas industry.

[Statutory Authority: RCW 80.01.040, 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-021, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-021, filed 11/15/84; Order R-27, § 480-90-021, filed 7/15/71.]

WAC 480-90-026 Tariffs. Rate schedules, and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC utilities general - tariffs.

[Order R-27, § 480-90-026, filed 7/15/71.]

WAC 480-90-031 Accounting. (1) The "uniform system of accounts" applicable to Class A and B gas utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any change to the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report FERC Form 2 promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all gas companies. The annual report for the preceding calendar year will be due by May 1.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "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 adjusting for out of period items. Nonoperating, nonrecurring, extraordinary 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. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.

(7) Gas utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days after the end of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.

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

[Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-90-031, filed 12/15/89, effective 1/15/90; 89-12-070 (Order R-302, Docket No. U-89-2641-R), § 480-90-031, filed 6/7/89; Order R-27, § 480-90-031, filed 7/15/71.]

WAC 480-90-032 Accounting—Political information and political education activities. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

[Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-90-032, filed 2/5/86.]

WAC 480-90-036 Finance—Securities, affiliated interests, transfers of property. (1) A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an order granting permission by the commission in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.

(2) A utility will not transfer any property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This

authorization shall be requested by application prepared in accordance with chapter 480-143 WAC.

[Order R-27, § 480-90-036, filed 7/15/71.]

WAC 480-90-041 Availability of information. Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-90 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request.

[Order R-83, § 480-90-041, filed 6/30/76; Order R-27, § 480-90-041, filed 7/15/71.]

WAC 480-90-043 Advertising. (1) No gas utility may recover from any person other than the shareholders (or other owners) of such utility, any direct or indirect expenditure by such utility for promotional or political advertising.

(2) As used in this rule:

(a) The term "advertising" means the commercial use by a utility, of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public, or to such utility's customers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(3) As used in this rule the terms "political advertising" and "promotional advertising" do not include:

(a) Advertising which informs customers how they can conserve energy or can reduce peak demand for energy,

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act,

(c) Advertising regarding service interruptions, safety measures, or emergency conditions,

(d) Advertising concerning employment opportunities with such utility,

(e) Advertising which promotes the use of energy efficient appliances, equipment or services,

(f) Any explanation of existing or proposed rate schedules, or notification of hearings thereon.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 81-01-101 (Order R-153, Cause No. U-80-97), § 480-90-043, filed 12/23/80.]

WAC 480-90-046 Application for service. (1)

Anyone desiring service may be required to make application in writing on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the commission. Such application shall clearly state the character of service for which applied. In the case of flat rate service the use to be made of the service shall be stated.

(2) Should a prospective customer use service prior to making an application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule(s).

(3) Gas under no circumstances shall be remetered or submetered by a customer for resale to another or others.

[Order R-27, § 480-90-046, filed 7/15/71.]

WAC 480-90-051 Establishment of credit. (1)

Establishment of credit - residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors. However, a deposit still may be requested under the criteria outlined in subsection (3) of this section.

(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) 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 stable source of income.

(d) Applicant owns or is purchasing 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 any one of the following circumstances; provided, that during the winter period no deposit may be required of a customer who in accordance with WAC 480-90-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

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

(b) When, within the last 12 months an applicant's or customer's similar class of service has been disconnected for failure to pay amounts owing to any electric or gas utility;

(c) There is an unpaid, overdue balance owing to any electric or gas utility for similar class of service;

(d) Three or more delinquency notices have been served upon the applicant or customer by any gas or electric company during the most recent 12 months;

(e) 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 to the company seeking the deposit.

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

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

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the date of the deposit payment or payments are made to the date of refund or total application of the deposit to the current account and shall be compounded or paid 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 monthly amounts over the following two months with dates corresponding to the initial payment date, unless the company and the customer have agreed upon other mutually acceptable arrangements. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

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

would ordinarily have been required. The customer shall then be billed in a normal fashion.

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

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

(a) Satisfactory payment. Where the customer has for 12 consecutive months following initial payment of the deposit 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, may be applied to the customer's account for which the deposit was collected to secure. Upon the customer's request, a refund in the form of a check shall be issued and mailed to the customer within 15 days following completion of 12 months of satisfactory payment as described in (a) of this subsection. Prior to issuance of the refund, the customer may request that such check be made available at a local business office rather than sent by mail.

(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.

(12) Any new or additional deposit required, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or delivered in person to the customer.

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-051, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-051, filed 11/12/87; 86-07-031 (Order R-255, Cause No. U-85-80), § 480-90-051, filed 3/14/86; Order R-83, § 480-90-051, filed 6/30/76; Order R-27, § 480-90-051, filed 7/15/71.]

WAC 480-90-056 Refusal of service. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a customer if, in its judgment, the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or of such nature that satisfactory service cannot be provided.

(3) The installation of proper protective devices on a customer's premises may be required prior to the furnishing of service whenever the utility deems such an installation necessary to protect its or the customer's property.

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

(5) A utility may not be required to provide service if, to do so, it would be economically unfeasible.

[Order R-27, § 480-90-056, filed 7/15/71.]

WAC 480-90-061 Contract for service. Whenever the classification of service under which the customer or applicant is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently used by the utility shall be submitted to the commission.

[Order R-27, § 480-90-061, filed 7/15/71.]

WAC 480-90-066 Distribution extensions. Each utility shall file, as a part of its tariff, a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Order R-27, § 480-90-066, filed 7/15/71.]

WAC 480-90-071 Discontinuance of service. By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility -

(1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of gas for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of gas without approval of the utility.

(d) For willful waste of gas through improper or imperfect pipes, fixtures, or otherwise.

(e) For failure of the customer to eliminate any hazardous condition found to exist in his facilities (i.e., piping, venting, appliances, etc.).

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility, unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-90-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For payment of a delinquent balance with a check that is dishonored by a bank or other financial institution. If the customer pays with a dishonored check after the company has issued appropriate notice, pursuant to subsection (2) of this section, no further notice is required.

(j) For refusal to comply with provisions of WAC 480-90-091, access to premises.

(k) For violation of rules, service agreements, or filed tariff(s).

(l) For use of equipment which adversely affects the utility's service to its other customers.

(m) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided, however,* That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility. For purposes of these rules, a nonsufficient fund check does not in and of itself constitute fraud.

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

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period, the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-90-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If such delivered notice is for nonpayment of a deposit, disconnection shall not be permitted prior to 5:00 p.m. of the sixth business day after written notice of the deposit requirement is mailed or delivered in person to the customer.

(ii) If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(iii) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation such as providing notice of means by which the subscriber can make contact with the utility to resolve any differences or avail themselves of rights and remedies as set forth in WAC 480-90-096 (complaints and disputes). All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the

customer in person, by telephone or by additional mailed notice to advise the customer of the pending disconnection and the reasons therefor.

(A) Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained a minimum of 90 days by the utility showing the telephone number called, the time of call, and details of the results of each attempt. When the company has been unable to reach the customer by telephone, a written notice shall be mailed a minimum of three business days prior to the intended date of disconnection.

(B) Where additional written notice is elected, disconnection shall not be permitted prior to 5:00 p.m. of the third business day following mailing of such notice. The day of mailing will not be considered the first day of the three-day notice period.

(C) Additional mailed notice, telephone attempts, or delivered notice shall not be a substitute for written notice of disconnection specified in (a) of this subsection.

(ii) Where the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address except as provided in (e) of this subsection regarding master meters. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then service by mail must also be effected to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of

five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has cause to disconnect or has disconnected utility service, the utility shall postpone termination of service or will reinstate service to a residential customer after receiving notification of the existence of a medical emergency, for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) Following the initial notification by the customer of the existence of a medical emergency, the company may require the customer to submit written certification of the medical emergency from a qualified medical professional within five business days. Qualified medical professional means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification it may, at its option, require that the certification include some or all of the following information:

(A) A statement that termination of service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered;

(B) The name of the resident whose health will be affected by the disconnection of service, and the relationship to the customer;

(C) A description of the health condition(s);

(D) An explanation of how the physical health of the person will be endangered by the disconnection of service;

(E) A statement of how long the condition is expected to last;

(F) A list of the equipment for which gas service is needed, if applicable; and

(G) The name, title, and signature of the person certifying the medical emergency.

(iii) If the five-day grace period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five-day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency,

the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the prescribed time limit set herein, the utility may discontinue service following an additional notification prior to disconnect as delineated in (b)(i) of this subsection.

(iv) The written medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than 30 days without renewal.

(v) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. During the five business day period, in conjunction with the provision of a medical certificate, the company may require the subscriber to pay 10 percent of the delinquent balance and enter into an agreement to pay the entire remaining delinquent balance within 120 days and pay subsequent bills when due. Nothing in this section precludes the company from entering into an alternate payment plan, but the company may not require the subscriber to pay more than that which is prescribed in this subsection. The company shall send a notice confirming the payment arrangements within two business days.

(vi) If the subscriber fails to abide by the terms of the payment agreement, service may be disconnected following notification of the customer in person, or by additional mailed notice as provided for in (b)(i) of this subsection. If telephone contact is elected, the company must make contact with the customer.

(vii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, it shall consider an appropriate social agency to be third party. In either case, it shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate for and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-071, filed 12/13/94, effective 1/13/95; 89-17-034 (Order R-305, Docket No. U-89-2707-R), § 480-90-071, filed 8/9/89, effective 9/9/89; 88-07-070 (Order R-284, Cause No. U-87-1525-R) § 480-

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

WAC 480-90-072 Payment arrangements and responsibilities. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which shall be set out in the utility's tariff. The budget billing or equal payment shall be offered without regard to time of year, home ownership, or duration of occupancy, unless the customer was removed from the budget program for nonpayment within the past six months or has more than a two-month balance on their current account. The utility may offer budget billing to any customer when it believes this would be in the best interest of all parties concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-072, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-90-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-90-072, filed 11/15/84.]

WAC 480-90-076 Service responsibilities. Customer responsibility - the customer shall notify the utility in writing, in advance, of all changes in his equipment or usage, which will materially affect the service to be rendered. Such notice shall be given within a reasonable time to permit the utility to provide the necessary facilities and to acquire additional gas supplies if required. The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility responsibility - each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible. Written records of gas deliveries, pressures, etc. at such check points shall be maintained by the utility when so designated by the commission.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service, or when such change shall be required by law, the

customer shall bear all cost in connection with making changes in his own equipment.

A utility shall adopt and maintain as constant as practical a standard pressure of gas as measured at the outlet of any customer's meter and/or the regulator in cases of a high pressure system. The standard pressure adopted shall be filed with the commission as a part of each gas utility's schedule of rates, rules and regulations.

Pressures other than standard may be furnished a customer upon mutual agreement between the utility and customer and providing such pressure can be maintained without adversely affecting the service being provided to other customers in the system.

Maintenance - each utility shall maintain its plant in such condition as will enable it to furnish adequate service and meet applicable state and federal standards.

Interruptions of service - the term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer or customers due to accident, required repairs or replacements, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule.

Each utility shall make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, shall endeavor to reestablish service with the shortest possible delay.

When it is necessary for a utility to make repairs to or change its facilities, the utility may, without incurring any liability therefor, suspend service for such periods as may be reasonably necessary and in such manner as to minimize the inconvenience to customers. Police and fire departments affected by such suspension shall be individually notified. All customers affected by a scheduled interruption shall be given notification through newspapers, radio announcements or other means, at least one day in advance.

Record of interruptions - each utility shall keep a record of all interruptions of service affecting 25 or more customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the commission upon request.

[Order R-27, § 480-90-076, filed 7/15/71.]

WAC 480-90-081 Service connections. For the purpose of connecting its distribution system to a customer's premises, a utility shall furnish, install and maintain such pipe and fittings as may be required with the following exceptions:

The customer may be required to pay for or install at his own expense, in compliance with the utility's standards, the service or any portion thereof in accordance with the utility's filed tariff. The service piping up to the point of delivery shall become the property of the utility who shall accept all responsibility for future maintenance and operation in accordance with its filed tariffs.

[Order R-27, § 480-90-081, filed 7/15/71.]

WAC 480-90-086 Service entrance. The utility may require that the customer provide the necessary entrance to the premises to be served at a point easiest of access to its

distribution system and comply with reasonable requirements to make such entrance in all respects continuous and free from the possibility of unwarranted tampering or interference.

[Order R-27, § 480-90-086, filed 7/15/71.]

WAC 480-90-091 Access to premises. The utility shall have the right of ingress to and egress from the premises of the customer at such reasonable hours as may be necessary for the inspection, testing, maintenance, meter reading and/or removal of the utility's property. The utility shall provide a means of identification for its employees and/or agents in order to claim the right of ingress. (Also see WAC 480-90-071.)

[Order R-27, § 480-90-091, filed 7/15/71.]

WAC 480-90-096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

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

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

[Statutory Authority: RCW 80.01.040, 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-096, filed 12/13/94, effective 1/13/95; Order R-83, § 480-90-096, filed 6/30/76; Order R-27, § 480-90-096, filed 7/15/71.]

WAC 480-90-101 Quality of gas. (1) Calorimeter - when a utility provides and maintains its own gas calorimeter, such calorimeter and necessary accessories shall be installed in a suitable area. The calorimeter and its location shall be approved by the commission. The accuracy of the calorimeter may be subject to determination and approval by the commission.

In the case of those utilities serving natural gas which do not maintain a gas calorimeter for billing purposes, the calorimetric results of such equipment as owned by a utility's pipeline supplier may be used upon approval of the commission.

(2) Caloroptic indicator - utilities providing a mixture of liquified petroleum gases and air may use a caloroptic indicator for making heating value tests.

(3) Heating value - each utility maintaining such testing station shall make not less than one test of the heating value of the gas supplied to its customers each day. A record of such tests shall be made and kept open for commission inspection.

(4) Heating value requirements -

(a) Total heating value shall be stated in British thermal units per cubic foot.

(b) The minimum heating value of gas furnished to the customers of a utility shall be stated in the tariff of that utility.

(c) The variation permitted from the minimum heating value shall not exceed an amount consistent with uniformly satisfactory appliance operation.

To obtain the average monthly heating value of gas, the results of all determinations of heating value made on any day shall be averaged, giving the average heating value for that day. The average monthly heating value shall be the average of all such daily averages taken during the calendar month.

Each utility shall adopt, subject to the approval of the commission, standard forms upon which shall be recorded the data and results of each heating value determination, gas analysis and specific gravity determination. Such forms shall be retained as a record at the station where made for a period of not less than two years.

For billing purposes a utility may apply the average heating value for a given month to the following month provided such a procedure is stated in the utility's tariff.

(5) Odorizing gases - all liquified petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to a concentration in air of not over one-fifth the lower limit of combustibility.

The same shall apply to natural gas when the inherent odor does not meet the required minimum of this rule.

(6) Records - each utility shall keep a complete record of each quality test as made under these rules, and these records shall be accessible to the commission or to its authorized representatives.

Each record of a quality test so kept shall contain complete information concerning the test, including such items as the commission may from time to time require.

[Order R-27, § 480-90-101, filed 7/15/71.]

WAC 480-90-106 Form of bills. Content - bills for utility service shall be issued at intervals not to exceed two months, and at least shall show a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local taxes - all customers' bills for gas service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said amount is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for gas service.

Prorating - in case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting forth the method of billing in such cases, the charge shall be prorated in the following manner:

(1) Flat rate service shall be prorated on the basis of the proportionate part of the period during which the service was rendered.

(2) Metered service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating - estimated bills will be clearly identified as such. A utility shall submit to the commission its method(s) for estimating customer bills.

Determination of maximum demand - utilities delivering gas to a customer on a demand basis will describe in detail in its filed tariff the method of applying such charge and of ascertaining the demand.

[Order R-83, § 480-90-106, filed 6/30/76; Order R-27, § 480-90-106, filed 7/15/71.]

WAC 480-90-116 Refunds for inaccurate metering. In the event that a complaint meter test reveals measurement accuracy outside the permissible limit which is adverse to that customer, the utility shall refund to said customer an amount presumed to have been charged in excess of the amount that would have been charged had the meter registered correctly. Refunds shall be computed upon the assumption that the meter was registering within tolerance six months prior to the date of complaint; provided, however, that if the meter shall have been installed for a period of less than six months or that the definite date of the beginning of such inaccuracy is known, then such date of installation or date of known inaccuracy shall be taken as the date

on which such meter shall have been presumed to be 100% accurate.

[Order R-27, § 480-90-116, filed 7/15/71.]

WAC 480-90-121 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility.

[Order R-27, § 480-90-121, filed 7/15/71.]

WAC 480-90-126 Meter reading. Each meter shall indicate or record the volume measured, registered in cubic feet or other units of volume except where the gas is metered under such conditions as to require the application of a factor. Where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity registered.

[Order R-27, § 480-90-126, filed 7/15/71.]

WAC 480-90-131 Installation of meter set assembly (MSA). No utility shall make any charge for furnishing and installing any meter or other appliance for measuring the amount of gas furnished, excepting that if a customer desires for his convenience the installation of more than one meter at one premise for one class of service, then the utility may install such meters upon the payment by the customer of installation cost and a reasonable rental therefor.

No meter shall be required on flat rate services.

[Order R-27, § 480-90-131, filed 7/15/71.]

WAC 480-90-136 Location of meter set assembly. The customer shall furnish a convenient place or area for installation of the meter and regulator, accessible for reading, inspection and change. Such place or area shall be acceptable to the utility.

[Order R-27, § 480-90-136, filed 7/15/71.]

WAC 480-90-141 Identification of meters. Each metering device shall be identified by serial number or letters or combination of both placed on the body of the meter in an essentially permanent manner in a conspicuous location along with the company name or initials.

[Order R-27, § 480-90-141, filed 7/15/71.]

WAC 480-90-146 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practical. Meters must not leak and must deliver gas without any noticeable fluctuation due to the mechanical operation of the meter.

All meters in service shall be sealed by the use of a sealing device acceptable to the commission.

[Order R-27, § 480-90-146, filed 7/15/71.]

WAC 480-90-151 Metering tolerance. The maximum allowable deviation for a meter is two percent fast or slow at each test rate.

[Order R-27, § 480-90-151, filed 7/15/71.]

WAC 480-90-156 Dispute as to meter accuracy. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may make application to the commission for review of the complaint.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the commission, the questioned meter set assembly shall not be changed in any manner without prior authorization of the commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions.

[Order R-27, § 480-90-156, filed 7/15/71.]

WAC 480-90-161 Complaint meter test. Initial complaint meter test - each utility shall initiate a test of the accuracy of a meter, free of charge, within ten working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve months unless relieved of such responsibility upon appeal to the commission.

When a customer desires in person or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the commission.

Extra complaint meter test - if any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten working days within which to initiate said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the commission show the meter to be slow or correct within the allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test.

[Order R-27, § 480-90-161, filed 7/15/71.]

WAC 480-90-166 Statement of meter test procedures. Each utility shall submit to the commission a

statement in its tariff describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests or observations for determining the accuracy of meters. The description of any such program shall include, but is not limited to:

(a) Test group detail and selection procedures.

(b) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(c) The corrective action and time period that will be implemented.

(d) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation and periodic tests after installation.

Revisions in any portion of the utility's statement of meter test procedure after submission and acceptance of same, will necessitate the submission of a tariff revision.

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-166, filed 12/13/94, effective 1/13/95; Order R-27, § 480-90-166, filed 7/15/71.]

WAC 480-90-171 Frequency of periodic meter tests.

The basic periodic test interval for gas meters, other than orifice meters, shall be as follows:

(1) Up to 3,000 cubic feet per hour - 10 years

(2) 3,000 cubic feet per hour and over - 5 years

Orifice meter differential gauges shall be tested at least once each three months; the orifice plate shall be checked at least once each year.

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval, as provided for under WAC 480-90-166.

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-171, filed 12/13/94, effective 1/13/95; Order R-27, § 480-90-171, filed 7/15/71.]

WAC 480-90-176 Meter history records.

The following meter history information will be maintained for the life of the meter plus three months: Manufacturer's name, date of purchase, type, model or series, manufacturer's number, company's number and current location of the meter.

The following meter history information will be kept current for the time period that encompasses a meter's last shop maintenance and "out proof test" through service, removal and "in proof test" plus six months: Date and nature of repairs (i.e. adjust only, minor repair, partial repair, major repair); date and results of the "out proof test"; date, location and index reading when placed in service; date, location and index reading when removed from service; date, results and complainant's name and address of any complaint

test(s) made while meter was in service; date and results of the "in proof test."

The above records shall be subject to commission approval.

Meters which are overhauled to new meter standards may be retired and reenter the system in the same manner as other new meters.

[Order R-27, § 480-90-176, filed 7/15/71.]

WAC 480-90-181 Filing of records and reports and the preservation of records.

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

(2) Billing stubs may be retained for a minimum of four months when the information on the billing stubs is maintained in other retrievable files.

(3) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities* published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the requirement for the preservation of records of gas companies in the state of Washington.

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

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-181, filed 12/13/94, effective 1/13/95; Order R-64, § 480-90-181, filed 2/13/74; Order R-27, § 480-90-181, filed 7/15/71.]

WAC 480-90-191 Least cost planning.

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

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

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

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

(b) An assessment for each customer class of the technically feasible improvements in the efficient use of gas,

including load management, as well as the policies and programs needed to obtain the efficiency improvements.

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

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

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

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

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

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

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

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

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

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

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

WAC 480-90-211 Business offices and payment agencies. Companies shall provide applicants and customers reasonable access to company representatives for conducting business. Companies shall also make available to applicants and customers 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) Business offices - Each company shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and customer service centers shall be staffed with personnel to provide information relating to services, and rates; accept and process applications for service; explain charges on customer bills; adjust charges made in error and generally act as representatives of the company. Customer service centers may provide toll-free telephone access to company personnel who can provide the aforementioned services in the event that such expertise is unavailable at the service center. If one business office or service center serves several areas, toll-free calling from those areas to the office shall be provided.

(2) Payment agencies - Where business offices are not available, each gas 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.

(3) Companies must provide written notification to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days notice, written notification is required as soon as the gas company becomes aware of the closure. At a minimum, the following information is required:

(a) The 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;

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

[Statutory Authority: RCW 80.01.040. 95-01-050 (Order R-424, Docket No. UG-940085), § 480-90-211, filed 12/13/94, effective 1/13/95.]

Chapter 480-92 WAC

LOW-LEVEL RADIOACTIVE WASTE

WAC

480-92-011	Application of this chapter.
480-92-021	Definitions.
480-92-031	Accounts—Uniform system adopted—Records.
480-92-050	Semiannual reports.
480-92-060	Initial rate filing—Form—Notice.
480-92-070	Semiannual adjustments to maximum disposal fee— Filing—Notice.
480-92-080	Contracts.
480-92-090	Complaint procedures.
480-92-100	Tariffs.
480-92-110	Penalty assessments.

WAC 480-92-011 Application of this chapter. (1)

This chapter shall apply to any company operating as a low-level radioactive waste site operating company, defined as such by the laws of Washington, and which is subject to the jurisdiction of the commission.

(2) Upon proper showing of any site operator, the commission may waive or modify the provisions of any section herein except when such provisions are fixed by statute. Application for the waiver or modification of any of the rules and regulations of the commission shall be made in accordance with the following instructions.

(a) Application should be directed to the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive SW, PO Box 47250, Olympia WA 98504-7250, and should be typewritten on paper 8 1/2 by 11 inches in size.

(b) Reference must be made in a separate paragraph to each section for which modification or waiver is requested, and a full explanation given as to the reasons why such waiver or modification is desired.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-011, filed 1/10/92, effective 2/10/92.]

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated herein by this reference. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Commission" means the Washington utilities and transportation commission.

"Effective rate" means the highest permissible rate, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume between all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

"Generator" means a person, partnership, association, corporation, or any other entity whatsoever that, as a part of its activities, produces low-level radioactive waste.

"Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

"Initial rate proceeding" means the proceeding described in RCW 81.108.040.

"Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.

"Maximum disposal rate" means the rate described in RCW 81.108.050.

"Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"Site operator" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-021, filed 1/10/92, effective 2/10/92.]

WAC 480-92-031 Accounts—Uniform system adopted—Records. (1) Each site operator shall conform its accounting system to the "Uniform System of Accounts for

Low Level Disposal Site Operators" dated January 1, 1992. A copy of that document is available at the headquarters office of the commission and shall be available from the commission upon request.

(2) Each site operator shall maintain complete records of the disposal service provided to each customer, showing for each and every customer the amount billed, the type of service provided, the dollar amounts collected and the balance due. Each site operator shall maintain customer records in such a way that the service and the rates and charges are easily identifiable in accordance with rates set for the site operator. Records must be kept on file at the office of the site operator at the disposal site, and in any other place as may be approved by the commission, for a period of at least three years.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-031, filed 1/10/92, effective 2/10/92.]

WAC 480-92-050 Semiannual reports. Each site operator shall file semiannual reports reporting the results of operations for the site. These reports shall cover the period from January through June and from July through December. Reports shall be filed on forms provided by the commission, and submitted no later than sixty days after the end of the period for which the report is submitted. The first such report shall cover the period from July to December 1992.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-050, filed 1/10/92, effective 2/10/92.]

WAC 480-92-060 Initial rate filing—Form—Notice. (1) No later than March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The request shall be in the form of a petition. An original and twenty copies shall be filed with the commission.

(2) The petition shall set out the proposed maximum disposal rate; the proposed inflation, volume, and extraordinary volume adjustments; the proposed administrative fee for small volumes pursuant to RCW 81.108.040(5); and a proposed method for determining the cost to receive and handle extraordinary volumes of waste pursuant to RCW 81.108.070(1).

(3) The filing shall include, at a minimum, testimony, exhibits, work papers, summaries, annual reports, cost studies, proposed tariffs, and any other information necessary to determine a maximum disposal rate and to support the proposed rates, fees, adjustments, and costs.

(4) Within five days after filing the request with the commission, the site operator shall notify all customers who ship or deliver waste to the site that a request has been filed with the commission. Notice shall be mailed to any customer who has paid for disposal of waste at the site within three years prior to the filing of the request. The notice shall include a statement of the site operator's proposed maximum disposal rate and shall include the address of the commission, with a statement that more detailed information may be obtained by writing to the commission.

(5) Hearings before the commission on the rates, charges, and methods contained in the petition shall be conducted in accordance with chapter 480-09 WAC.

(6) Once approved, the maximum disposal fee shall become the highest disposal fee the site operator may charge customers.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-060, filed 1/10/92, effective 2/10/92.]

WAC 480-92-070 Semiannual adjustments to maximum disposal fee—Filing—Notice. (1) After January 1, 1993, site operators may file for adjustments to the maximum disposal fee for reasons set forth in RCW 81.108.050(3). Inflation and volume adjustments must be filed to become effective in January or July and must allow for thirty days from the date of filing to become effective. The commission may allow filings to become effective in less than thirty days.

(2) A site operator may also file for adjustments to the maximum disposal fee at any time for reasons set forth in RCW 81.108.050(4).

(3) In all filings for a change in the maximum disposal fee, the site operator shall provide its customers with notice of the filing as required for the initial rate filing under this chapter.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-070, filed 1/10/92, effective 2/10/92.]

WAC 480-92-080 Contracts. (1) A site operator may contract with any person to provide a contract disposal rate lower than the maximum disposal rate. Each such contract shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms the thirty-first day from the date of its filing unless earlier approved, suspended, or rejected by the commission. Upon application and for good cause shown, the commission may approve the contract as of its effective date prior to the date that the contract would have become effective in accordance with this section.

(2) Each contract filed for commission approval shall be accompanied by such documentation as may be necessary to show that the contract does not result in discrimination among customers receiving like and contemporaneous service under substantially similar circumstances, and provides for the recovery of all costs associated with the provision of the service; provided, that discrimination between customers is not present to the extent a site operator charges small volume customers an administrative fee determined according to RCW 81.108.040(5). The site operator shall file the following information in conjunction with each contract submitted for commission approval:

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

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

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

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

(4) Every contract filed shall contain the provision that it is made subject to the power and authority of the commission to fix, alter, and amend just, fair, and reasonable classifications, rules and regulations, and rates for low-level radioactive waste disposal site operators.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-080, filed 1/10/92, effective 2/10/92.]

WAC 480-92-090 Complaint procedures. (1) Complaints against a site operator shall be made by letter to the commission. The complainant shall send a copy of the complaint to the site operator by registered mail.

(2) A complaint shall include the dates of acts or omissions complained against, the relevant statutes or rules, and other information essential to disposition of the complaint.

(3) The commission encourages alternate forms of dispute resolution to resolve disputes between the site operator and any other person. In order to resolve disputes informally, the voluntary settlement procedures of WAC 480-09-465 may be used to resolve complaints brought before the commission.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-090, filed 1/10/92, effective 2/10/92.]

WAC 480-92-100 Tariffs. (1) Every site operator shall file with the commission, and post at the company's main office at the disposal site, its tariff showing all rates and charges, including all accessorial charges, for the disposal of low-level radioactive waste.

(2) Two copies of all such tariffs shall be transmitted to the commission with a letter of transmittal in duplicate.

(3) Tariffs shall be typed or printed on 8 1/2 by 11 inch paper and shall be paginated. A margin of not less than five-eighths of an inch must be left on all four sides for binding.

(4) Tariffs shall consist of at least the following:

(a) A title page which identifies the name of the company issuing the tariff, date of issue and date effective, name, title and street address of tariff publishing officer by whom the tariff or supplement is issued.

(b) A general rules section that contains all rules and regulations governing how and in what manner rates and charges shall be assessed by the company.

(c) A section that names all rates and charges that shall be assessed by the company.

(d) A page listing all abbreviations and symbols used in the tariff, and containing an explanation of said abbreviations and symbols.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-100, filed 1/10/92, effective 2/10/92.]

WAC 480-92-110 Penalty assessments. In addition to all other penalties provided by law, every site operator and every officer, agent, or employee of every such company who violates or procures, aids, or abets in the violation of any law, rule, regulation, or commission decision applicable to such company shall incur a penalty of up to one thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in the case of a continuing violation every day's continuance shall be deemed to be a separate and distinct violation.

[Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-110, filed 1/10/92, effective 2/10/92.]

Chapter 480-93 WAC GAS COMPANIES—SAFETY

WAC

480-93-002	Application of rules.
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480-93-010	Compliance with federal standards.
480-93-015	Odorization of gas.
480-93-017	Design, specification, and construction procedures.
480-93-018	Maps, drawings, and records of gas facilities.
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480-93-040	Location of compressor stations on gas pipelines.
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480-93-110	Corrosion control.
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480-93-112	Corrosive condition investigation.
480-93-115	Casing of pipelines.
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480-93-124	Pipeline markers.
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480-93-140	Meter regulators.
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480-93-155	Increasing maximum operating pressure.
480-93-160	Reports of proposed construction.
480-93-170	Tests and reports thereof for pipelines.
480-93-175	Moving and lowering gas pipelines.
480-93-180	Plan of operations and maintenance procedures; emergency policy; reporting requirements.
480-93-183	Pipeline and system pressure reporting.
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480-93-185	Gas leak investigation.
480-93-186	Leakage classification and action criteria.
480-93-18601	Table 1—Leak classification and action criteria— Grade—Definition—Priority of leak repair— Examples.
480-93-187	Records and self audit.
480-93-188	Gas leak surveys.
480-93-190	Being aware of construction work near gas company facilities.
480-93-200	Reports associated with gas company facilities and operations.
480-93-210	Interruptions to service.
480-93-220	Rule of precedence.
480-93-223	Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder—Maximum amount.

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480-93-230 Modification/waivers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-93-001	Definitions. [Order R-28, § 480-93-001, filed 7/15/71.] Repealed by Order R-98, filed 5/18/77. Later promulgation, see WAC 480-93-005.
480-93-050	Pipelines and mains under or along highways and railroads. [Order R-5, § 480-93-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.
480-93-060	Minimum cover and clearances. [Order R-5, § 480-93-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.
480-93-070	Welding inspection. [Order R-5, § 480-93-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.
480-93-090	Bends. [Order R-5, § 480-93-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

WAC 480-93-002 Application of rules. These rules shall apply to every gas company, as that term is defined by WAC 480-93-005, and shall apply to the construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state, except those gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-002, filed 8/5/92, effective 9/5/92; Order R-99, § 480-93-002, filed 5/18/77.]

WAC 480-93-005 Definitions. (1) **Bar hole** - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **Building** - any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.

(3) **Combustible gas indicator (CGI)** - a device capable of detecting and measuring gas concentrations of the gas being transported.

(4) **Confined space** - any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(5) **Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas** - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures** - those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company** - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line** - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication** - a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.** - the lower explosive limit of the gas being transported.

(12) **Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system** - a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure** - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192.

(15) **Prompt action** - shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) **Reading** - a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) **Service line** - a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) **Transmission line** - a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3.

(19) **Tunnel** - a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein.

[Statutory Authority: RCW 80.01.040 and 80.28.210. 95-13-082 (Order R-427, Docket No. UG-950061), § 480-93-005, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-005, filed 8/5/92, effective 9/5/92; Order R-100, § 480-93-005, filed 5/18/77. Formerly WAC 480-93-001.]

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission

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facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 191, 192 and 199 in effect on the effective date of this rule, 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 191, 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 and 80.28.210. 96-13-022 (Order R-437, Docket No. UG-951453), § 480-93-010, filed 6/10/96, effective 7/11/96; 95-13-082 (Order R-427, Docket No. UG-950061), § 480-93-010, filed 6/20/95, effective 7/21/95. 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.]

WAC 480-93-015 Odorization of gas. All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625, unless waiver is approved in advance of such transportation, in writing, by the commission.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-015, filed 8/5/92, effective 9/5/92.]

WAC 480-93-017 Design, specification, and construction procedures. The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction plans which do not conform with a gas company's existing and accepted design, specification, and construction procedures on file with the commission, must be submitted to the commission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-017, filed 8/5/92, effective 9/5/92.]

WAC 480-93-018 Maps, drawings, and records of gas facilities. All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically-protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-018, filed 8/5/92, effective 9/5/92.]

WAC 480-93-020 Proximity considerations. Gas facilities having a maximum operating pressure greater than five hundred psig shall not be operated within five hundred

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feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential or commercial prior to the date authorization for construction is filed with the commission;

(3) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve-month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and

(4) A public highway, as defined in RCW 81.80.010(3).

In requesting prior written authorization of the commission, the petitioning gas company shall certify that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-020, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-020, filed 7/15/71; Order R-5, § 480-93-020, filed 6/6/69, effective 10/9/69.]

WAC 480-93-030 Proscribed areas. Gas facilities having a maximum operating pressure between two hundred fifty-one psig and four hundred ninety-nine psig shall not be operated within 100 feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations; and

(2) A well-defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly which is occupied by twenty or more people, sixty days in any twelve-month period, which is in existence or under construction prior to the date authorization for construction is filed with the commission.

The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to the places listed above that are within one hundred feet of the pipeline right of way.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-030, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-030, filed 7/15/71; Order R-5, § 480-93-030, filed 6/6/69, effective 10/9/69.]

WAC 480-93-040 Location of compressor stations on gas pipelines. No compressor station to be located on

any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet.

[Order R-28, § 480-93-040, filed 7/15/71; Order R-5, § 480-93-040, filed 6/6/69, effective 10/9/69.]

WAC 480-93-080 Welder identification and qualification certificates. Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority.

[Order R-28, § 480-93-080, filed 7/15/71; Order R-5, § 480-93-080, filed 6/6/69, effective 10/9/69.]

WAC 480-93-082 Qualification of employees. Every gas company that operates a gas facility in this state shall have one or more employees working in this state that are collectively knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations. Every gas company shall prepare, maintain, and provide to the commission, upon request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of personnel qualified by training and experience, in a company-certified, company-sponsored training program, may satisfy the requirements of this section.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-082, filed 8/5/92, effective 9/5/92.]

WAC 480-93-100 Automatic valves. Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation.

[Order R-28, § 480-93-100, filed 7/15/71; Order R-5, § 480-93-100, filed 6/6/69, effective 10/9/69.]

WAC 480-93-110 Corrosion control. Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protec-

tion deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR, Part 192, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-110, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-110, filed 7/15/71; Order R-5, § 480-93-110, filed 6/6/69, effective 10/9/69.]

WAC 480-93-111 Noncathodically protected gas facilities. Every gas company that has metallic gas facilities which are not now, or have never been, under cathodic protection or are not under adequate cathodic protection, shall semiannually provide to the commission, upon request, drawings which show the location of such facilities, and a description of their size and material. The drawings and associated documentation will indicate the approximate date by which cathodic protection will be applied or the facilities will be replaced. If the gas company can prove, through electrical test data and other means, that the gas facilities are not in a corrosive environment, then neither cathodic protection nor replacement will be required.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-111, filed 8/5/92, effective 9/5/92.]

WAC 480-93-112 Corrosive condition investigation. Whenever a gas company finds the presence of active corrosion; that the surface of the gas facility is generally pitted; or that corrosion has caused a leak, the company shall investigate further to determine the extent of the corrosion. Within ninety days after the discovery of a corrosive situation, action shall be taken to correct any unsafe condition. The company shall record the condition of all underground gas facilities each time such facility is exposed and retain those records for the life of that facility.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-112, filed 8/5/92, effective 9/5/92.]

WAC 480-93-115 Casing of pipelines. Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-115, filed 8/5/92, effective 9/5/92.]

WAC 480-93-120 Exposed pipelines. Proper warning signs shall be placed and other adequate protective measures taken at any point where gas pipelines and any associated equipment and facilities are exposed, and where their location presents an unusually hazardous situation. All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs which are reported damaged and missing shall be replaced promptly.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-120, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-120, filed 7/15/71; Order R-5, § 480-93-120, filed 6/6/69, effective 10/9/69.]

WAC 480-93-124 Pipeline markers. All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off-set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b).

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-124, filed 8/5/92, effective 9/5/92.]

WAC 480-93-130 Multistage pressure regulation. Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be provided between regulator systems when practical to do so.

[Order R-28, § 480-93-130, filed 7/15/71; Order R-5, § 480-93-130, filed 6/6/69, effective 10/9/69.]

WAC 480-93-140 Meter regulators. Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut-off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut-off valves, if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut-off valves are not required or appropriate for safe operation.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-140, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-140, filed 7/15/71; Order R-5, § 480-93-140, filed 6/6/69, effective 10/9/69.]

WAC 480-93-150 Station maintenance. All gas piping or other gas equipment in regulator and other stations no longer essential to the company's operation shall be removed to minimize hazards.

[Order R-28, § 480-93-150, filed 7/15/71; Order R-5, § 480-93-150, filed 6/6/69, effective 10/9/69.]

WAC 480-93-155 Increasing maximum operating pressure. Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

- (1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;
- (2) Original design and construction standards;
- (3) All previous operating pressures and length of time at that pressure;
- (4) All leaks, regardless of cause, and the date and method of repair;
- (5) All upstream and downstream regulators and relief valves; and
- (6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of 49 CFR, Part 192.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-155, filed 8/5/92, effective 9/5/92.]

WAC 480-93-160 Reports of proposed construction.

(1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:

- (a) Description and purpose of the proposed pipeline.
- (b) Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.
- (c) Maximum allowable operating pressure for which the pipeline is being constructed.
- (d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and

encroachments thereto, other areas requiring special or unusual design and construction considerations.

(e) Proposed corrosion control program to be followed including specifications for coating and wrapping.

(f) Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig. If water is not to be used, briefly explain and list test medium to be used.

(g) Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30-day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of construction and will be kept current until construction is completed.

(h) Bending procedures to be followed.

(i) Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(j) Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to office of pipeline safety, department of transportation, rules and regulations require 60-day advanced notification before approval.

(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.

[Order R-28, § 480-93-160, filed 7/15/71; Order R-5, § 480-93-160, filed 6/6/69, effective 10/9/69.]

WAC 480-93-170 Tests and reports thereof for pipelines. (1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.

(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines

operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.

(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.

(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.

(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.

(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service.

[Order R-28, § 480-93-170, filed 7/15/71; Order R-5, § 480-93-170, filed 6/6/69, effective 10/9/69.]

WAC 480-93-175 Moving and lowering gas pipelines. A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:

- (1) The required deflection of the pipeline;
- (2) The diameter, wall thickness, and grade of the pipe;
- (3) The characteristics of the pipeline;
- (4) The terrain and class location;
- (5) The soil conditions, including the pH;
- (6) The current condition of the pipeline;
- (7) The safe stress of the pipeline; and
- (8) The toughness of the steel.

If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-175, filed 8/5/92, effective 9/5/92.]

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements. In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an

acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:

- (1) Relevant available pipeline safety data;
- (2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;
- (3) The reasonableness of the plans and procedures; and
- (4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-180, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-180, filed 7/15/71; Order R-5, § 480-93-180, filed 6/6/69, effective 10/9/69.]

WAC 480-93-183 Pipeline and system pressure reporting. All gas companies shall establish a maximum operating pressure for a pipeline or system, in accordance with this chapter, and notify the commission of the following pressure related changes:

(1) When a pipeline or system pressure exceeds the established maximum operating pressure, the commission shall be notified within six hours, to be followed by written explanation within thirty days;

(2) When a gas company proposes to raise any pipeline's pressure above two hundred fifty psig, the gas company shall petition the commission for a waiver of WAC 480-93-030, if applicable, before increasing the pressure;

(3) When a gas company proposes to raise any pipeline's pressure above five hundred psig, the gas company shall petition the commission for a waiver of WAC 480-93-020, if applicable, before increasing the pressure;

(4) When a pipeline or system operating at low pressure drops below the safe operating conditions of attached appliances and gas equipment; and

(5) When a pipeline, operating in excess of two hundred fifty psig, is taken out of service for any reason the commission shall be notified within six hours, followed by written explanation within thirty days.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-183, filed 8/5/92, effective 9/5/92.]

WAC 480-93-184 Gas leak responsibility. Each gas company shall designate personnel who shall be responsible for pipeline and service line patrolling; leak survey practices, procedures, and operations; and leak classification and repairs within its respective areas of operation (i.e. division, district, etc.).

[Order R-101, § 480-93-184, filed 5/18/77.]

WAC 480-93-185 Gas leak investigation. Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer-owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on-site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty-four hours of the leak notification, send by first-class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-185, filed 8/5/92, effective 9/5/92; Order R-102, § 480-93-185, filed 5/18/77.]

WAC 480-93-186 Leakage classification and action criteria. (1) Gas leak classification and repair.

(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of

the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.

(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.

Grade 1 - Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.

Grade 2 - Grade 2 means a leak recognized as being nonhazardous at the time of detection but requiring scheduled repair based on probable future hazard.

Grade 3 - Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.

(c) Follow-up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.

(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded.

[Order R-103, § 480-93-186, filed 5/18/77.]

WAC 480-93-18601 Table 1—Leak classification and action criteria—Grade—Definition—Priority of leak repair—Examples.

TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA

GRADE 1
DEFINITION

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

PRIORITY OF LEAK REPAIR

EXAMPLES

Requires prompt action* to protect life and property and

Leaks requiring prompt action:

continuous action until the conditions are no longer hazardous.

*The prompt action in some instances may require one or more of the following:

- a. Implementation of company emergency plan (192.615).
- b. Evacuating premises.
- c. Blocking off an area.
- d. Rerouting traffic.
- e. Eliminating sources of ignition.
- f. Venting the area, or
- g. Stopping the flow of gas by closing valves or other means.
- h. Notifying police and fire departments.

- 1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
- 2. Escaping gas that has ignited unintentionally.
- 3. Any indication of gas which has migrated into or under a building or tunnel.
- 4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
- 5. Any reading of 80% LEL or greater in a confined space.
- 6. Any reading of 80% LEL, or greater in small substructures not associated with gas facilities where the gas would likely migrate to the outside wall of a building.
- 7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.

On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

- 4. Any reading between 20% LEL and 80% LEL in a confined space.
- 5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
- 6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

**GRADE 3
DEFINITION**

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIR

EXAMPLES

Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

Leaks requiring reevaluation at periodic intervals:

- 1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.
- 2. Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.
- 3. Any reading of less than 20% LEL in a confined space.

**GRADE 2
DEFINITION**

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIR

EXAMPLES

Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:

- a. Amount and migration of gas,
- b. Proximity of gas to buildings and subsurface structures,
- c. Extent of pavement, and
- d. Soil type and conditions, such as frost cap, moisture and natural venting.

Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by

A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:

- 1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.

B. Leaks requiring action within six months:

- 1. Any reading of 40% LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.
- 2. Any reading of 100% LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
- 3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-18601, filed 8/5/92, effective 9/5/92; Order R-103, Table 1 (codified as WAC 480-93-18601), filed 5/18/77.]

WAC 480-93-187 Records and self audit. (1) Gas leak records. Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs and to provide the data and information needed to complete every required RSPA F-7100.1, F-7100.1-1, F-7100.2, and F-7100.2-1 leak report.

(2) The following data and information shall be recorded and maintained. Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of those reports with the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances of a leak situation need not be reported, but at a minimum will include the following:

- (a) Date and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;
- (b) Date and time the leak was reevaluated before repair, and the name of the employee involved;
- (c) Date and time of repair, when a Grade 1 leak is involved, and the name of the employee in charge of the repair;

- (d) Date and time the leak was rechecked after repair and the employee involved;
- (e) If leak was reportable to an environmental agency, date and time report made to regulatory authority and name of reporting employee;
- (f) Location of leak (sufficiently described to allow ready location by other competent personnel);
- (g) Leak grade;
- (h) Line use (distribution, transmission, etc.);
- (i) Method of leak detection (if reported by outside party, list name and address);
- (j) Part of system where leak occurred (main, service, etc.);
- (k) Part of system which leaked (pipe, valve, fitting, compressor or regulator station, etc.);
- (l) Material which leaked (steel, plastic, cast iron, etc.);
- (m) Origin of leak;
- (n) Pipe description;
- (o) Type repair;
- (p) Leak cause;
- (q) Date pipe installed (if known);
- (r) Whether under cathodic protection; and
- (s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 (codified as WAC 480-93-18601).

The data to be recorded on leaks which have been appropriately classified as "Grade 3" may be at the company's discretion, but must include, at a minimum, information necessary to allow for proper follow-up action to be accomplished.

(3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by every gas company:

- (a) Repair scheduling - assure that repairs are made within the time specified;
- (b) Repair effectiveness - assure that leak repairs are effective; and
- (c) Check adequacy of records.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-187, filed 8/5/92, effective 9/5/92; Order R-104, § 480-93-187, filed 5/18/77.]

WAC 480-93-188 Gas leak surveys. (1) Types of gas leak surveys and test methods. Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall-to-wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.

(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and

procedures have been approved by an appropriate governmental agency.

(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:

- (a) Business areas - at intervals not exceeding fifteen months, but at least once each calendar year;
- (b) Residential areas - as frequently as necessary, but at intervals not exceeding five years;
- (c) Buildings of public assembly - at intervals not exceeding fifteen months, but at least once each calendar year;
- (d) Special surveys - as required; and
- (e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe - at intervals not exceeding eight months, but at least twice each calendar year.

(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:

- (a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey;
- (b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary;

(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building; and

(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detection instrument.

(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made;

(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example, churches; schools; and hospitals;

(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.

(6) Leak survey records. For the most current and immediately preceding survey of an area, the following information shall be maintained:

(a) Description of system and area surveyed (this could include maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Names of those making survey;

(e) Survey dates; and

(f) In addition to the above, the following records shall be kept for pressure drop test:

(i) The name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used;

(ii) Test medium used;

(iii) Test pressure;

(iv) Test duration;

(v) Pressure recording charts, or other record of pressure readings; and

(vi) Test results.

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed as frequently as necessary, but at intervals not exceeding three years:

(a) Leak survey schedule - assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M-Maintenance, and the general condition of the pipeline system as required by other applicable regulations;

(b) Survey effectiveness - evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system; and

(c) Check adequacy of records.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-188, filed 8/5/92, effective 9/5/92; Order R-105, § 480-93-188, filed 5/18/77.]

WAC 480-93-190 Being aware of construction work near gas company facilities. All gas companies shall subscribe to the available "one call locating service" in every area their facilities are located. Every gas company shall establish procedures for obtaining prompt notice and full information concerning the commencement and progress of all construction work in areas in close proximity to gathering lines, mains, service lines, transmission lines, and other gas facilities. The object of such a program will be to lessen the probability of incurring damage to the company's underground facilities.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-190, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-190, filed 7/15/71; Order R-5, § 480-93-190, filed 6/6/69, effective 10/9/69.]

WAC 480-93-200 Reports associated with gas company facilities and operations. (1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:

(a) Results in a fatality or personal injury requiring hospitalization;

(b) Results in damage to the property of the company and others of a combined total exceeding five thousand

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dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);

(c) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;

(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or

(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the accident, incident, or hazardous condition to include date, time, and place;

(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;

(e) The date and time the gas facility was made safe;

(f) The date, time, and type of any temporary or permanent repair made; and

(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.

(3) Every gas company shall file a copy of every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.

(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-200, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-200, filed 7/15/71; Order R-5, § 480-93-200, filed 6/6/69, effective 10/9/69.]

WAC 480-93-210 Interruptions to service. Interruptions to the service furnished by any gas company to an industrial customer, a master meter customer, or twenty-five or more distribution customers, or the failure of any gas facilities, shall be reported to the commission within six

hours. When service has been restored, a written report shall be submitted promptly to the commission detailing the cause of the interruption or failure and steps taken to prevent any recurrence.

This requirement shall not apply to interruptions to service made by gas companies in accordance with the provisions of contracts between such companies and their customers or other planned interruptions carried out in conjunction with normal operational and maintenance requirements of the company.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-210, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-210, filed 7/15/71; Order R-5, § 480-93-210, filed 6/6/69, effective 10/9/69.]

WAC 480-93-220 Rule of precedence. Where there is any conflict between the provisions of CFR 49, Part 192 (Minimum Federal Natural Gas Pipeline Safety Standards) and any rule specifically set forth herein, the former shall govern.

These rules shall take precedence over all orders, heretofore made by the commission, insofar as said orders may be inconsistent with these rules.

These rules shall take precedence over all rules filed or to be filed by gas companies insofar as inconsistent therewith. Rules of the gas companies now on file and inconsistent with the rules herein established shall be properly revised and refiled within sixty days from the effective date of this order.

[Order R-28, § 480-93-220, filed 7/15/71.]

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder—Maximum amount. (1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

(2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

(3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.

[Statutory Authority: RCW 80.01.040 and 80.28.210, 95-19-057 (Order R-433, Docket No. UG-950625), § 480-93-223, filed 9/15/95, effective 10/16/95.]

WAC 480-93-230 Modification/waivers. If a gas company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission to deviate from the rule. Every request for a deviation shall be

accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-230, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-230, filed 7/15/71; Order R-5, § 480-93-230, filed 6/6/69, effective 10/9/69.]

Chapter 480-95 WAC HEAT SUPPLIERS

WAC

480-95-010	Application of rules.
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WAC 480-95-010 Application of rules. These rules shall apply to any heat supplier subject to the jurisdiction of the commission under authority of chapter 94, Laws of 1983.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW, 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-010, filed 4/26/84.]

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

(1) "Comparable heating services" available in a heat supplier's proposed service territory means any service furnishing heat directly, or furnishing any other commodity used as a primary heat source (including but not limited to oil, natural gas, or electricity), to at least twenty percent of the customers in that territory in the class or classes which the applicant proposes to serve.

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

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

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

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

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

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

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

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

(10) "Rates charged to customers" for comparable heating services shall be the rates per thermal unit customarily charged to each class of customer which the heat supplier proposes to serve during the year preceding such supplier's permit application.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-020, filed 4/26/84.]

WAC 480-95-030 Permit required. No heat supplier shall engage in the distribution, delivery, furnishing, or selling of heat without having first obtained from the commission a permit to so do within a designated service territory.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-030, filed 4/26/84.]

WAC 480-95-040 Operation under trade name. No permit will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010 and a certified copy thereof is filed with the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-040, filed 4/26/84.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The commission may seek the assistance and recommendations of the Washington state energy office in reviewing and acting upon applications filed under these rules.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-050, filed 4/26/84.]

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

(2) The commission shall provide notice of the filing to all known existing providers of heating service which at the time of filing of an application, are serving the territory described in the application. Upon receiving such an application, the commission shall also publish notice thereof in a newspaper of general circulation in the designated service territory. Such notice shall set forth the docket number, if any, of the application and shall identify the applicant and the designated service territory covered by the application. Notice will be given by mail in accordance with commission rules. Existing providers of heating service shall have twenty days from the date of publication of such notice to file with the commission protests to the application. Protests must set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the subject matter of the application. Protests are to be directed only to the qualification and financial responsibility of the applicant to serve, the adequacy of the design of the system, and/or the reasonableness of the proposed contract rates in relation to the rates charged to customers for comparable heating services by other providers thereof in the proposed service territory. The commission may reject any protest which appears to be frivolous, or fails to raise substantial issues as to the qualifications of the applicant or its system, or appears to be filed in bad faith or for delay. Amendment of the application to meet protests will be permitted within thirty days of the last day for the filing of such protests.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-060, filed 4/26/84.]

WAC 480-95-070 Procedure before commission. The commission will review the application in detail, and may request the assistance and recommendations of the Washington state energy office in its review. The commission may also request amendment of the application or such additional information as may be required to assure compliance with statutory standards and with these regulations. If, after reviewing the application and such other information as may be furnished, the commission determines that the statutory standards and the requirements of these rules have been complied with, it shall issue a nonexclusive operating

permit to provide heating services within the designated service territory. If it is not so satisfied, or upon protest raising substantive issues, the commission may set the application for hearing in accordance with the provisions of chapter 34.04 RCW. No application will be denied without an opportunity for hearing, and in the event of hearing, the burden shall be upon the applicant to show that it meets the requirements of section 5, chapter 94, Laws of 1983.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-070, filed 4/26/84.]

WAC 480-95-080 Sale, lease, or transfer of permit. Any permit may be sold, leased, or transferred upon application therefor on forms to be furnished by the commission giving all information requested therein and accompanied by the applicable fee. Transfer applications shall not be subject to protest, and may be granted by the commission upon a showing that the transferee is qualified and financially responsible.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-080, filed 4/26/84.]

WAC 480-95-090 Duplicate permits. All applications for duplicate permits must be accompanied by an affidavit of the holder that the original has been lost or destroyed.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-090, filed 4/26/84.]

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

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

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

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

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

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

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

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

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

(5) Every contract shall contain the provisions of WAC 480-95-120 setting forth the procedures for resolving complaints or disputes involving a heat supplier and its customers.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-100, filed 4/26/84.]

WAC 480-95-110 Fees.

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

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-110, filed 4/26/84.]

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

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

(2) Each heat supplier shall ensure that personnel engaged in initial contact with a dissatisfied or complaining customer explain that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel of the heat supplier. The customer shall be

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provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each heat supplier shall ensure that supervisory personnel contacted by a dissatisfied customer shall inform such customer of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between a customer and a heat supplier shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to provisions of WAC 480-08-050.

(5) When a complaint is referred to a heat supplier by the commission, the heat supplier shall, within two working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to the progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a heat supplier may request an extension of time.

(6) Each heat supplier shall keep a record of all complaints concerning its service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such record shall be maintained in a suitable place readily available for commission review. All written complaints shall be acknowledged. Correspondence and records of complaints shall be retained by the heat supplier for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-120, filed 4/26/84.]

WAC 480-95-125 Exemptions. Nothing in this chapter requires public utilities regulated by the commission to obtain permits as heat suppliers under this chapter or to file contracts with the commission, unless such utilities develop, produce, transmit, distribute, deliver, furnish, or sell to or for the public in the state of Washington heat from waste heat, geothermal wells or springs, combustion of biomass materials, or collection of solar heat for a beneficial use other than electricity generation.

[Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-125, filed 4/26/84.]

**Chapter 480-100 WAC
ELECTRIC COMPANIES**

WAC

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- 480-100-016 Saving clause.
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- 480-100-032 Accounting—Political information and political education activities.
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- 480-100-046 Application for service.
- 480-100-051 Establishment of credit.

480-100-056	Refusal of service.	480-100-130	Discontinuance of service by customer. [Order R-5, § 480-100-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.
480-100-061	Contract for service.	480-100-140	Discontinuance of service by utility. [Order R-5, § 480-100-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.
480-100-066	Distribution extensions.	480-100-150	Fraudulent use of service. [Order R-5, § 480-100-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.
480-100-071	Discontinuance of service.	480-100-160	Responsibility for delinquent accounts. [Order R-5, § 480-100-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-116.
480-100-072	Payment arrangements and responsibilities.	480-100-170	Refusal of service. [Order R-5, § 480-100-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-056.
480-100-076	Service responsibilities.	480-100-180	Special metering, record of output, etc. [Order R-5, § 480-100-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.
480-100-081	Service entrance facilities.	480-100-190	Change in character of service. [Order R-5, § 480-100-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.
480-100-086	Meter location.	480-100-196	Voltage tests. [Order R-29, § 480-100-196, filed 7/15/71.] Repealed by 81-15-094 (Order R-165, Cause No. 4-81-30), filed 7/22/81. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)].
480-100-091	Access to premises.	480-100-200	Changes in use. [Order R-5, § 480-100-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.
480-100-096	Complaints and disputes.	480-100-210	Adequacy and continuity of service. [Order R-5, § 480-100-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.
480-100-101	Form of bills.	480-100-220	Distribution extensions. [Order R-5, § 480-100-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-066.
480-100-111	Refund for inaccurate metering.	480-100-230	Service entrance facilities. [Order R-5, § 480-100-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-081.
480-100-116	Responsibility for delinquent accounts.	480-100-240	Standard frequency. [Order R-5, § 480-100-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-186.
480-100-121	Meter charges.	480-100-250	Standard voltage and permissible variation. [Order R-5, § 480-100-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-191.
480-100-126	Meter readings.	480-100-260	Voltage tests. [Order R-5, § 480-100-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-196.
480-100-131	Identification of meters.	480-100-270	Form of bills. [Order R-5, § 480-100-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-101.
480-100-136	Initial accuracy of meters.	480-100-280	Record of billings. [Order R-5, § 480-100-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-106.
480-100-141	Accuracy of watthour meters.	480-100-290	Dispute as to bills. [Order R-5, § 480-100-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.
480-100-146	Accuracy of demand meters.	480-100-300	Meter location. [Order R-5, § 480-100-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.
480-100-151	Instrument transformers.	480-100-310	Access to premises. [Order R-5, § 480-100-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.
480-100-156	Multipliers and test constants.	480-100-320	Identification of employees. [Order R-5, § 480-100-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.
480-100-161	Portable indicating instruments.	480-100-330	Meter charges. [Order R-5, § 480-100-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-121.
480-100-166	Dispute as to accuracy of meters.	480-100-340	Meter readings. [Order R-5, § 480-100-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-126.
480-100-171	Complaint meter test.	480-100-350	Initial accuracy of meters. [Order R-5, § 480-100-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.
480-100-176	Statement of meter test procedures.	480-100-360	Meter seals. [Order R-5, § 480-100-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.
480-100-181	Meter history records.		
480-100-186	Standard frequency.		
480-100-191	Standard voltage and permissible variation.		
480-100-201	Accuracy of test standards.		
480-100-206	Reports of accidents.		
480-100-211	Filing of records and reports and the preservation of records.		
480-100-251	Least cost planning.		
480-100-311	Business offices and payment agencies.		

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

480-100-010	Application of rules. [Order R-5, § 480-100-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-011.
480-100-020	Saving clause. [Order R-5, § 480-100-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-016.
480-100-030	Definitions of terms as used in these rules. [Order R-5, § 480-100-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-021.
480-100-040	Tariffs. [Order R-5, § 480-100-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-026.
480-100-050	Classification of accounts. [Order R-5, § 480-100-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.
480-100-060	Annual reports. [Order R-5, § 480-100-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.
480-100-070	Information for customers. [Order R-5, § 480-100-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-041.
480-100-080	Record of complaints. [Order R-5, § 480-100-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-096.
480-100-090	Filing of records and reports. [Order R-5, § 480-100-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-211.
480-100-100	Application for service. [Order R-5, § 480-100-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-046.
480-100-106	Dispute as to billing. [Order R-29, § 480-100-106, filed 7/15/71.] Repealed by Order R-84, filed 6/30/76.
480-100-110	Contract for service. [Order R-5, § 480-100-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-061.
480-100-120	Deposits. [Order R-5, § 480-100-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-051.

- 480-100-370 Meter history record. [Order R-5, § 480-100-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.
- 480-100-380 Multipliers and test constants. [Order R-5, § 480-100-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-156.
- 480-100-390 Accuracy of wathour meters. [Order R-5, § 480-100-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-141.
- 480-100-400 Accuracy of demand meters. [Order R-5, § 480-100-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-146.
- 480-100-410 Instrument transformers. [Order R-5, § 480-100-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-151.
- 480-100-420 Portable indicating instruments. [Order R-5, § 480-100-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-161.
- 480-100-430 Meter testing. [Order R-5, § 480-100-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-176.
- 480-100-440 Record of meter tests. [Order R-5, § 480-100-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.
- 480-100-450 Dispute as to accuracy of meters. [Order R-5, § 480-100-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-166.
- 480-100-460 Free complaint meter test. [Order R-5, § 480-100-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.
- 480-100-470 Fee for extra-complaint meter tests. [Order R-5, § 480-100-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.
- 480-100-480 Complaint reports. [Order R-5, § 480-100-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.
- 480-100-490 Refund for inaccurate metering. [Order R-5, § 480-100-490, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-111.
- 480-100-500 Identification of meters. [Order R-5, § 480-100-500, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-131.
- 480-100-510 Testing facilities. [Order R-5, § 480-100-510, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.
- 480-100-520 Accuracy of test standards. [Order R-5, § 480-100-520, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-201.
- 480-100-530 Report of accidents. [Order R-5, § 480-100-530, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-206.

WAC 480-100-011 Application of rules. These rules shall apply to any public service company defined as such by the law of Washington, as amended, engaged in the generation, distribution, sale or furnishing of electricity for light, heat or power and which is subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility."

The effective tariff provisions filed by utilities shall conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify as to that utility, the provisions of any rule herein except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 80.04 RCW.

[Order R-29, § 480-100-011, filed 7/15/71.]

WAC 480-100-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the laws of the state of Washington.

[Order R-29, § 480-100-016, filed 7/15/71.]

WAC 480-100-021 Glossary. (1) Commission - the Washington utilities and transportation commission.

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

(3) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

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

(5) Household income - the total income of all household members as determined by a grantee of the department of community development.

(6) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as a result of a request by a customer.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

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

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

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

(10) Similar class of service - Business or residential. For establishment and administration of credit there are two classes of service. These two classes of service are business and residential. Business class of service includes all service classes other than residential.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the electrical industry.

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-021, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-021, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-021, filed 11/15/84; Order R-29, § 480-100-021, filed 7/15/71.]

WAC 480-100-026 Tariffs. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC utilities general - tariffs.

[Order R-29, § 480-100-026, filed 7/15/71.]

WAC 480-100-031 Accounting. (1) The "uniform system of accounts" applicable to Class A and B electric utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS OPERATING REVENUE
A	\$2,500,000 or more
B	less than \$2,500,000

(3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(4) Any deviation from the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all electric companies. The annual report for the preceding calendar year will be due by May 1. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each electric company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and power supply based on a "commission basis." "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 adjusting for out of period items. Nonoperating, nonrecurring, extraordinary 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. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

(6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records.

(7) Electric utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days of the reporting month.

(8) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.

(9) The annual budget of expenditures form for budgetary reporting for electric utilities will be published by the commission in accordance with chapter 480-140 WAC.

[Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-100-031, filed 12/15/89, effective 1/15/90; 89-12-070 (Order R-302, Docket No. U-89-2641-R), § 480-100-031, filed 6/7/89; Order R-29, § 480-100-031, filed 7/15/71.]

WAC 480-100-032 Accounting—Political information and political education activities. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

[Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-100-032, filed 2/5/86.]

WAC 480-100-036 Finance—Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving

an authorizing order in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any utility property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC.

[Order R-29, § 480-100-036, filed 7/15/71.]

WAC 480-100-041 Information to consumers. (1) Information relative to the rates, rules and regulations (filed tariffs) of the utilities shall be made available to the public upon request at any of its listed business offices. A copy of these rules (chapter 480-100 WAC) shall also be kept on file in each of the utility's listed business offices, and made available to its customers or their representatives upon request.

(2) Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit, determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

(3) Each utility shall transmit to each of its customers a clear and concise explanation of the existing rate schedule, and any rate schedule applied for, which is or would be applicable to such customers. This statement shall be transmitted to each customer:

(a) Not later than sixty days after the date of commencement of service to each customer, or ninety days after the adoption of this rule, whichever last occurs; and

(b) Not later than thirty days (sixty days in the case of a utility that uses a bimonthly billing system);

(i) After the effective date of any rate schedule applicable to the customer; and

(ii) After issuance of an order of investigation by the commission of any applied-for rate schedule applicable to the customer. This notice of applied-for rate schedule may be coordinated with the notice required by WAC 480-80-125.

(4) Each electric utility shall transmit to each of its customers not less frequently than once each year a request form to obtain:

(a) A guide summarizing the rights and responsibilities of a utility customer; and

(b) A clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric customers for which there is a separate rate, including an identification of any classes whose rates are not summarized.

(5) Each utility shall show on each customer bill a concise statement of the actual consumption or degree-day adjusted consumption of electric energy at the premises to which service is delivered for the comparable period of the prior year, if available, and the percentage of change in

consumption between the present period and the comparable period of the prior year.

(6) Each utility, on a request of a customer of such utility, shall transmit to such customer a clear and concise summary of the actual consumption (or degree-day adjusted consumption) of electric energy by such customer and/or such consumption at the service premises for each billing period during the prior year (unless such consumption data are not reasonably ascertainable by the utility).

[Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-041, filed 1/20/81; Order R-84, § 480-100-041, filed 6/30/76; Order R-29, § 480-100-041, filed 7/15/71.]

WAC 480-100-043 Advertising. (1) No electric utility may recover from any person other than the shareholders (or other owners) of such utility, any direct or indirect expenditure by such utility for promotional or political advertising.

(2) As used in this section:

(a) The term "advertising" means the commercial use by a utility of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public, or to such utility's customers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(3) As used in this rule the terms "political advertising" and "promotional advertising" do not include:

(a) Advertising which informs customers how they can conserve energy or can reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with such utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment or services;

(f) Any explanation of existing or proposed tariff or rate schedules, or notification of hearings thereon.

[Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-043, filed 1/20/81.]

WAC 480-100-046 Application for service. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules. Electric service under no circumstances shall be resold by a customer unless specifically authorized in the filed tariff of the utility.

[Order R-29, § 480-100-046, filed 7/15/71.]

WAC 480-100-051 Establishment of credit. (1) Establishment of credit - residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors. However, a deposit still may be requested under the criteria outlined in subsection (3) of this section.

(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) 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 stable source of income.

(d) Applicant owns or is purchasing 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 any one of the following circumstances; provided, that during the winter period no deposit may be required of a customer who, in accordance with WAC 480-100-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

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

(b) When, within the last 12 months an applicant's or customer's similar class of service has been disconnected for failure to pay amounts owing to any electric or gas utility;

(c) There is an unpaid, overdue balance owing to any electric or gas utility for similar class of service;

(d) Three or more delinquency notices have been served upon the applicant or customer by any electric or gas company during the most recent 12 months;

(e) 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 to the company seeking the deposit.

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

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

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits shall earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the date of the deposit payment or payments are made to the date of refund or total application of the deposit to the current account and shall be compounded or paid 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 monthly amounts over the following two months with dates corresponding to the initial payment date, unless the company and the customer have agreed upon other mutually acceptable arrangements. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, alternative to deposit, next below.

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

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

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

(a) Satisfactory payment. Where the customer has for 12 consecutive months following initial payment of the deposit 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, may be applied to the customer's account for which the deposit was collected to secure. Upon the customer's request, a refund in the form of a check shall be issued and mailed to the customer within 15 days following completion of 12 months of satisfactory payment as described in (a) of this subsection. Prior to issuance of the refund, the customer may request that such check be made available at a local business office rather than sent by mail.

(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.

(12) Any new or additional deposit required, after service is established, is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or delivered in person to the customer.

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-051, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-051, filed 11/12/87; 86-07-032 (Order R-256, Cause No. U-85-81), § 480-100-051, filed 3/14/86; Order R-84, § 480-100-051, filed 6/30/76; Order R-29, § 480-100-051, filed 7/15/71.]

WAC 480-100-056 Refusal of service. (1) No electric utility shall connect service to a master meter in any new building with permanent occupants when:

- (a) There is more than one unit in such building;
- (b) The occupant of each such unit has control over a significant portion of the electric energy used in such unit; and
- (c) With respect to such portion of electric energy used in such unit, the long-run benefits of separate meters to the electric customers in such building exceed the cost of purchasing and installing separate meters in such building.

(2) The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer when such service will adversely affect service being rendered to other customers, or where the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

(3) A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of wiring or electrical equipment is hazardous, or of such character that satisfactory service cannot be provided.

(4) The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

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

(6) A utility may not be required to provide service if, to do so, it would be economically unfeasible.

[Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-056, filed 1/20/81; Order R-29, § 480-100-056, filed 7/15/71.]

WAC 480-100-061 Contract for service. Whenever the classification of service under which the applicant or customer is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample of each contract form currently used by the utility shall be submitted to the commission.

[Order R-29, § 480-100-061, filed 7/15/71.]

WAC 480-100-066 Distribution extensions. Each utility shall file as a part of its tariff a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Order R-29, § 480-100-066, filed 7/15/71.]

WAC 480-100-071 Discontinuance of service. By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility -

(1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-100-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For payment of a delinquent balance with a check that is dishonored by a bank or other financial institution. If the customer pays with a dishonored check after the company has issued appropriate notice, pursuant to subsection (2) of this section, no further notice is required.

(j) For refusal to comply with provisions of WAC 480-100-091, access to premises.

(k) For violation of rules, service agreements, or filed tariff(s).

(l) For use of equipment which adversely affects the utility's service to its other customers.

(m) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: *Provided,*

however, That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility. For purposes of these rules, a nonsufficient fund check does not in and of itself constitute fraud.

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

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-100-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If such delivered notice is for nonpayment of a deposit, disconnection shall not be permitted prior to 5:00 p.m. of the sixth business day after written notice of the deposit requirement is mailed or delivered in person to the customer.

(ii) If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(iii) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation such as providing notice of means by which the subscriber can make contact with the utility to resolve any differences or avail themselves of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes). All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person, by telephone or by additional mailed notice to advise the customer of the pending disconnection and the reasons therefor.

(A) Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made

during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained a minimum of 90 days by the utility showing the telephone number called, the time of call, and details of the results of each attempt. When the company has been unable to reach the customer by telephone, a written notice shall be mailed a minimum of three business days prior to the intended date of disconnection.

(B) Where additional written notice is elected, disconnection shall not be permitted prior to 5:00 p.m. of the third business day following mailing of such notice. The day of mailing will not be considered the first day of the three-day notice period.

(C) Additional mailed notice, telephone attempts, or delivered notice shall not be a substitute for written notice of disconnection specified in (a) of this subsection.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his or her designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has cause to disconnect or has disconnected utility service, the utility shall postpone termination of service or will reinstate service to a residential customer after receiving notification of the existence of a medical emergency, for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) Following the initial notification by the customer of the existence of a medical emergency, the company may require the customer to submit written certification of the medical emergency from a qualified medical professional within five business days. Qualified medical professional means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification it may, at its option, require that the certification include some or all of the following information:

(A) A statement that termination of service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered;

(B) The name of the resident whose health will be affected by the disconnection of service, and the relationship to the customer;

(C) A description of the health condition(s);

(D) An explanation of how the physical health of the person will be endangered by the disconnection of service;

(E) A statement of how long the condition is expected to last;

(F) A list of the equipment for which electrical service is needed, if applicable; and

(G) The name, title, and signature of the person certifying the medical emergency.

(iii) If the five-day grace period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five-day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a

certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional notification prior to disconnect as delineated in (b)(i) of this subsection.

(iv) The written medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than 30 days without renewal.

(v) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. During the five business day period, in conjunction with the provision of a medical certificate, the company may require the subscriber to pay 10 percent of the delinquent balance and enter into an agreement to pay the entire remaining delinquent balance within 120 days and pay subsequent bills when due. Nothing in this section precludes the company from entering into an alternate payment plan, but the company may not require the subscriber to pay more than that which is prescribed in this subsection. The company shall send a notice confirming the payment arrangements within two business days.

(vi) If the subscriber fails to abide by the terms of the payment agreement, service may be disconnected following notification of the customer in person, or by additional mailed notice as provided for in (b)(i) of this subsection. If telephone contact is elected, the company must make contact with the customer.

(vii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

[Statutory Authority: RCW 80.01.040, 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-071, filed 12/13/94, effective 1/13/95; 88-07-070 (Order R-284, Cause No. U-87-1525-R), § 480-100-071, filed 3/18/88; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-071, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-071, filed 11/15/84. Statutory Authority: RCW 80.04.160, 81-03-060 (Order

R-158, Cause No. U-80-106), § 480-100-071, filed 1/20/81; Order R-84, § 480-100-071, filed 6/30/76; Order R-29, § 480-100-071, filed 7/15/71.]

WAC 480-100-072 Payment arrangements and responsibilities. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered without regard to time of year, home ownership, or duration of occupancy, unless the customer was removed from the budget program for nonpayment within the past six months or has more than a two-month balance on their current account. The utility may offer budget billing to any customer when it believes this would be in the best interest of all parties concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-072, filed 12/13/94, effective 1/13/95; 87-23-028 (Order R-279, Cause No. U-87-590-R), § 480-100-072, filed 11/12/87; 84-23-030 (Order R-220, Cause No. U-84-63), § 480-100-072, filed 11/15/84.]

WAC 480-100-076 Service responsibilities. Customer responsibility - the customer shall notify the utility, in writing, in advance of all changes in equipment or usage which will materially affect the service to be rendered. Such notice shall be given within a reasonable time to permit the utility to provide necessary facilities and acquire additional power supply if required.

The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility responsibility - each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service or when such change shall be required by law, the customer shall bear all cost in connection with making changes in his own equipment.

Maintenance - each utility shall maintain its plant and system in such condition as will enable it to furnish adequate service.

Interruptions of service - each utility shall endeavor to avoid interruptions of service, and, when such interruptions occur, to reestablish service with a minimum of delay.

When it is necessary for a utility to make repairs to or change its facilities the utility may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers, provided that, when practicable, such interruption shall be during working hours regularly maintained by the utility. Police and fire departments affected by the interruption shall be individually notified. All customers affected by a scheduled interruption shall be given notification, through newspapers, radio announcements or other means, at least one day in advance.

Record of interruptions - each utility shall keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the commission upon request.

[Order R-29, § 480-100-076, filed 7/15/71.]

WAC 480-100-081 Service entrance facilities. Each utility may require that the customer provide the necessary entrance facilities to the premises to be served at a point easiest of access to its distribution system, and comply with reasonable requirements to make such entrance facilities free from the possibility of unwarranted tampering or interference.

Each utility may require the customer to provide a structurally sound point of attachment for its service conductors which will permit the required clearances.

[Order R-29, § 480-100-081, filed 7/15/71.]

WAC 480-100-086 Meter location. Subject to the utility's requirements, the customer shall furnish a convenient place, readily accessible without risk of bodily harm to utility employees, free from vibration, corrosive atmosphere, and abnormal temperatures, in which to install the metering equipment.

[Order R-29, § 480-100-086, filed 7/15/71.]

WAC 480-100-091 Access to premises. Each utility shall have the right of ingress to or egress from the premises of the customer by its authorized employees or agents at such reasonable hours as may be necessary for meter reading, performance of necessary maintenance, testing, installation or removal of its property.

The utility shall provide a means of identification for those employees or agents required to enter the premises of the customer.

[Order R-29, § 480-100-091, filed 7/15/71.]

WAC 480-100-096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

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

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) **Records** - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-096, filed 12/13/94, effective 1/13/95; Order R-84, § 480-100-096, filed 6/30/76; Order R-29, § 480-100-096, filed 7/15/71.]

WAC 480-100-101 Form of bills. Content - bills for utility service shall be issued at intervals not to exceed 2 months, and shall show at least a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local taxes - all customers' bills for electric service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for electric service.

Prorating - in case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting forth the method of billing in such cases, the charge shall be prorated in the following manner:

For flat rate service the charge shall be prorated on the basis of the proportionate part of the period during which service was rendered. For metered service, service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating - estimated bills will be clearly identified as such. Each utility shall submit to the commission an outline of its method of estimating customer bills.

Determination of maximum demand - whenever a demand basis is used for billing, the utility will describe in detail in its filed tariff the methods of applying such charge and of ascertaining the demand.

[Order R-84, § 480-100-101, filed 6/30/76; Order R-29, § 480-100-101, filed 7/15/71.]

WAC 480-100-111 Refund for inaccurate metering.

In the event that a complaint meter test reveals an error adverse to the customer in excess of the permissible limit, the utility shall refund to the customer an amount presumed to have been charged in excess of that which would have been charged had the meter registered correctly, such refund to be computed upon the assumption that the meter was registering correctly six months prior to the date of complaint, and that the change in accuracy has progressed uniformly. Provided, however, that if the meter shall have been installed for a period of less than six months, or that the definite date of the beginning of such inaccuracy is known, then such date of installation, or known inaccuracy shall be taken as the date on which such meter shall have been presumed to be correct.

[Order R-29, § 480-100-111, filed 7/15/71.]

WAC 480-100-116 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility.

[Order R-29, § 480-100-116, filed 7/15/71.]

WAC 480-100-121 Meter charges. A utility shall make no charge for furnishing and installing the meter or

meters required to determine the billing to be made for electric service in accordance with its filed tariff.

[Order R-29, § 480-100-121, filed 7/15/71.]

WAC 480-100-126 Meter readings. Each meter shall indicate or record the quantity of electric service supplied, registered by such meter in kilowatt hours or other units.

Where the electricity is metered under such conditions as require the application of a multiplier, or where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity consumed.

[Order R-29, § 480-100-126, filed 7/15/71.]

WAC 480-100-131 Identification of meters. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter.

[Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-131, filed 7/22/81; Order R-29, § 480-100-131, filed 7/15/71.]

WAC 480-100-136 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practicable.

All meters in service shall be sealed by the use of a sealing device acceptable to the commission.

[Order R-29, § 480-100-136, filed 7/15/71.]

WAC 480-100-141 Accuracy of watthour meters. Watthour meters used for measuring electrical quantities supplied shall:

(1) Be of proper design for the circuit on which they are used, be in good mechanical condition, have adequate insulation, correct internal connections, and correct register.

(2) Not creep at "no load" more than one full revolution of the disk in five minutes when the load wires are disconnected and potential is impressed or in a shop test where the load wires are disconnected and the permissible voltage variation impressed.

(3) If they are designed for use on alternating current circuits, be accurate to within plus or minus 2.0 percent, referred to the watthour standard as a base, at two unity power factor loads, one between 5 and 10 percent of the nameplate test current value and the other between 75 and 150 percent of the nameplate test current value; and shall register correctly to within 3.0 percent plus or minus at a power factor of approximately 50 percent lagging and at a load approximately equal to 100 percent of the rated current of the meter.

(4) If polyphase, have the elements in balance within 2 percent at approximately 100 percent load at unity and at approximately 50 percent lagging power factor.

(5) If used with instrument transformers, be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this rule except that adjustment for instrument transformer errors is not required when instru-

ment transformers with the following accuracy characteristics are used:

(a) Instrument current transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from 60 percent lagging to unity shall not exceed 0.6 percent at 10 percent rated current, or 0.3 percent at 100 percent current.

(b) Instrument potential transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter from 90 percent rated voltage to 110 percent rated voltage at any load power factor from 60 percent lagging to unity, shall not exceed 0.3 percent.

(6) Be adjusted as closely as practicable to zero error.

[Statutory Authority: RCW 80.01.040, 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-141, filed 12/13/94, effective 1/13/95. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)], 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-141, filed 7/22/81; Order R-29, § 480-100-141, filed 7/15/71.]

WAC 480-100-146 Accuracy of demand meters. A demand meter, demand register, or demand attachment used to measure customer's service shall:

- (1) Be in good mechanical and electrical condition.
- (2) Have proper multiplier, indicating scale, resetting device and proper contact device if used.
- (3) Not register at no load.
- (4) Be accurate to the following degrees:

(a) Curve-drawing meters which record quantity-time curves, and integrated-demand meters shall be accurate to within plus or minus 2.0 percent of full scale throughout their working range. Timing elements measuring specific demand intervals shall be accurate to within plus or minus 2 percent and the timing element which serves to provide a record of the time of day when the demand occurs shall be accurate to within plus or minus 4 minutes in 24 hours.

(b) Lagged-demand meters shall be accurate to within plus or minus 4 percent of final indication.

[Order R-29, § 480-100-146, filed 7/15/71.]

WAC 480-100-151 Instrument transformers. (1) Instrument transformers used in conjunction with metering equipment to measure customers' service shall:

(a) Be in proper mechanical condition and have electrical insulation satisfactory for the service on which used.

(b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

100% 10% Current	Power Factor 100% Current	50% 10% Current	Power Factor 100% Current
1.5%	.75%	3%	2%

(2) Meters used in conjunction with instrument transformers shall be adjusted so that the over-all accuracies will meet the requirements previously specified.

(a) Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if the transformers are tested separately, the meters shall also be tested to assure that the

over-all accuracy of the installation meets the prescribed accuracy requirements.

(b) The result of tests of instrument transformers shall be kept on record and available for use when transformers are installed.

(3) Phase shifting transformers shall have secondary voltages under balanced line voltage conditions within 1 percent plus or minus of the voltage impressed on the primary.

[Order R-29, § 480-100-151, filed 7/15/71.]

WAC 480-100-156 Multipliers and test constants. Meters which are not direct reading and those operating from instrument transformers shall have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier.

The watt-hour constant for the meter itself shall be placed on all watt-hour meters.

[Order R-29, § 480-100-156, filed 7/15/71.]

WAC 480-100-161 Portable indicating instruments. All portable indicating electrical instruments used for determining quality of service to customers such as voltmeters, ammeters, and wattmeters, shall be checked against suitable secondary reference standards at least once in each 6 months. If the portable indicating instrument is found appreciably in error at zero it shall be adjusted. If in error by more than 1 percent of indication at commonly used scale deflections, it shall be adjusted unless accompanied by a calibration card. A history and calibration record shall be kept for each such instrument.

[Order R-29, § 480-100-161, filed 7/15/71.]

WAC 480-100-166 Dispute as to accuracy of meters. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may appeal to the commission for review.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the commission, the questioned meter shall not be adjusted in any manner without prior authorization of the commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions.

[Order R-29, § 480-100-166, filed 7/15/71.]

WAC 480-100-171 Complaint meter test. Initial complaint meter test - each utility shall initiate a test of the accuracy of a meter, free of charge, within ten working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve months unless relieved of such responsibility upon appeal to the commission.

When a customer desires either personally or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the commission.

Extra complaint meter test - if any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten working days within which to make said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the commission show the meter to be slow or correct within the allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test.

Reports - the utility may be required to submit to the commission at such times as the commission may designate, reports of meter tests made in response to customers' complaints. These reports are to contain the name and address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date tested, the reading of the meter when tested, the accuracy of the meter as found, and its accuracy as left.

[Order R-29, § 480-100-171, filed 7/15/71.]

WAC 480-100-176 Statement of meter test procedures. Each utility shall submit to the commission for review and approval, a statement properly identified and dated, in its tariff describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests or observations for determining the accuracy of meters. The description of any such program shall include, but is not limited to:

(a) Test group detail and selection procedures.

(b) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(c) The corrective action and time period that will be implemented.

(d) Reference to an industry standard such as ANSI C12.1 or ANSI/ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation.

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Revisions in any portion of the utility's statement of meter test procedures after submission and acceptance of same, will necessitate the submission of a tariff revision.

[Statutory Authority: RCW 80.01.040, 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-176, filed 12/13/94, effective 1/13/95. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)], 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-176, filed 7/22/81; Order R-29, § 480-100-176, filed 7/15/71.]

WAC 480-100-181 Meter history records. Records showing the history of each meter shall be maintained for the life of the meter plus three months. Such records shall be subject to approval of the commission and shall show the approximate date of purchase, the manufacturer's name and meter number, the utility's meter number, the places of installation, the readings at the time of each installation and each removal. The records shall include the date of all tests made together with data recorded and computations made in order to determine the accuracy of the meter. If a test is a complaint test, the records shall also include the name of the complainant and the accuracy of the meter as found, and as left.

[Order R-29, § 480-100-181, filed 7/15/71.]

WAC 480-100-186 Standard frequency. Each utility supplying alternating current shall adopt a standard frequency which shall be stated in its tariff or schedule of rates for alternating current services. Each utility shall at all times maintain such frequency reasonably constant. For normal operating conditions, it should maintain such frequency within two percent above and two percent below standard frequency.

[Order R-29, § 480-100-186, filed 7/15/71.]

WAC 480-100-191 Standard voltage and permissible variation. Voltage, as used herein, means the voltage existing with loads operating under stable conditions.

Each utility shall adopt and file with the commission standard voltages for its different classes of standard voltage service.

The voltage maintained on the utility's distribution system shall be reasonably constant and any allowed variation shall be a gradual change in voltage as a result of normal changes in load.

The voltage on each primary distribution feeder shall be such that the voltage standards adopted will be maintained as follows:

The variation in voltage shall not be more than 5 percent above or below the standard voltage adopted, and the total variation of voltage from minimum to maximum shall not exceed 8 percent of the standard voltage.

A greater variation of voltage than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where the revenues received do not justify close voltage regulation. In such cases the best voltage regulation that is practicable under the circumstances shall be provided. Variations in voltage in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operation or by the operation of power apparatus on the

customer's premises which necessarily requires large starting currents and only affects the user of such apparatus, shall not be considered a violation of this rule.

Where the utility's distribution facilities supplying customers are adequate and of sufficient capacity to carry actual loads normally imposed, the utility may require that equipment on customer's premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage or cause objectionable flicker in other customers' lights.

[Order R-29, § 480-100-191, filed 7/15/71.]

WAC 480-100-201 Accuracy of test standards. Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of test standards and meter testing equipment;

(2) Description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests.

Records shall be maintained showing the date when each test standard and each meter testing instrument was tested, calibrated or adjusted.

[Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)]. 81-15-094 (Order R-165, Cause No. 4-81-30), § 480-100-201, filed 7/22/81; Order R-29, § 480-100-201, filed 7/15/71.]

WAC 480-100-206 Reports of accidents. Each utility shall give prompt notice to the commission of every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. The report shall include as a minimum the name of the person injured, time and place of accident, a brief explanation and description of the accident and shall be confirmed in writing when the initial report has been oral.

[Order R-29, 480-100-206, filed 7/15/71.]

WAC 480-100-211 Filing of records and reports and the preservation of records. (1) All records and reports required by these rules shall be retained on file in the office of the utility at which such records and reports were made, or in such other place as may be especially approved by the commission, for such time as is specifically provided in subsection (2) of this section and where no time is specified, for a period of three years.

(2) Billing stubs may be retained for a minimum of four months when the information on the billing stubs is maintained in other retrievable files.

(3) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities* published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed as the preservation of records requirements of electric utilities in the state of Washington.

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

(1997 Ed.)

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-211, filed 12/13/94, effective 1/13/95; Order R-29, § 480-100-211, filed 7/15/71.]

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

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

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

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

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

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

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

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

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

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

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

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

WAC 480-100-311 Business offices and payment agencies. Companies shall provide applicants and customers reasonable access to company representatives for conducting

business. Companies shall also make available to applicants, and customers 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) Business offices - Each company shall provide business offices or customer service centers accessible by telephone or in person. Such business offices and customer service centers shall be staffed with personnel to provide information relating to services, and rates; accept and process applications for service; explain charges on customer bills; adjust charges made in error; and generally act as representatives of the company. Customer service centers may provide toll-free telephone access to company personnel who can provide the aforementioned services in the event that such expertise is unavailable at the service center. If one business office or service center serves several areas, toll-free calling from those areas to the office shall be provided.

(2) Payment agencies - Where business offices are not available, each electric 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.

(3) Companies must provide written notification to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days notice, written notification is required as soon as the electric company becomes aware of the closure. At a minimum, the following information is required:

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

[Statutory Authority: RCW 80.01.040. 95-01-051 (Order R-423, Docket No. UE-940084), § 480-100-311, filed 12/13/94, effective 1/13/95.]

Chapter 480-107 WAC

ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS

WAC

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WAC 480-107-001 Purpose and scope. (1) The purpose of this chapter is to establish rules for determining rates, terms, and conditions governing the following purchases by electric utilities: Electricity from qualifying facilities; the electrical savings associated with eligible conservation measures pursuant to these rules; electricity from independent power producers; and, at the utility's election, utility subsidiaries, and other electric utilities. These rules are intended to provide an opportunity for conservation and generating resources to compete on a fair and reasonable basis to fulfill a utility's new resource needs. It is the commission's intent that bids under these rules shall include the costs of compliance by the project with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.

These rules are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. Purchase of electric power under these rules shall satisfy an electric utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

These rules do not preclude electric utilities from constructing electric resources, operating conservation programs, purchasing power through negotiated purchase contracts, or otherwise taking action to satisfy their public service obligations. Information about the price and availability of electric power obtained through the bidding procedures described in these rules may be used, in conjunction with other evidence, in general rate cases and other cost recovery proceedings pertaining to resources not acquired through these bidding procedures.

(2) The provisions of this chapter shall apply to any electric utility which has submitted to the commission a least-cost plan as provided in WAC 480-100-251.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-001, filed 7/18/89.]

WAC 480-107-005 Definitions. (1) "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for purchases to be made pursuant to these rules, the utility would generate itself or purchase from another source.

(2) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a generating facility's own generation equipment during an unscheduled outage of the facility.

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

(4) "Conservation measures" means electric energy efficiency improvements to buildings or energy using equipment and processes.

(5) "Economic dispatch" means, within contractually specified limits, modifying the timing of power purchases

from a generating facility so as to minimize the costs of delivering electricity.

(6) "Electric utility" means any public service company as defined by RCW 80.04.010 engaged in the generation, distribution, sale, or furnishing of electricity and which is subject to the jurisdiction of the commission.

(7) "Eligible conservation suppliers" means electric utility customers, or third party conservation contractors installing energy efficiency measures as described in these rules.

(8) "Generating facilities" means plant and other equipment employed for the purposes of generating electricity purchased through contracts entered into under these rules.

(9) "Independent power producers" means generating facilities or portions thereof that are not recognized in the retail rates of any electric utility and that are not qualifying facilities as defined in subsection (16) of this section.

(10) "Interruptible power" means electric energy or capacity supplied by an electric utility to a generating facility subject to interruption by the electric utility under certain specified conditions.

(11) "Least cost plan" means the filing made every two years by an electric utility in accordance with WAC 480-100-251.

(12) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a generating facility.

(13) "Project developer" means an individual, association, corporation, or other legal entity potentially entering into a power or conservation savings contract with the utility.

(14) "Project proposal" means a project developer's document containing a description of the project and other information responsive to the requirements set forth in the RFP.

(15) "Prototype contract" means standardized terms and conditions that govern specific electric power or electrical savings purchases by electric utilities. Prototype contracts may be structured to accommodate terms and conditions specific to individual projects, subject to the conditions set forth in these rules.

(16) "Qualifying facilities" are generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

(17) "Request for proposals" (RFP) means the document describing an electric utility's solicitation of bids for the delivery of power or electrical savings.

(18) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a generating facility in addition to that which the facility generates itself.

(19) "Utility subsidiary" means a legal entity, other than a qualifying facility, which is owned, in whole or in part, by an electric utility, and which may enter a power or conservation savings contract with that electric utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-005, filed 7/18/89.]

WAC 480-107-010 Filing requirements for prototype contracts. (1) The electric utility shall file its initial prototype contracts with the commission. Long-run prototype contract A and long-run prototype contract C shall be

attached to the RFP. Prototype contracts may be structured to allow for project-specific contract language where appropriate. The following prototype contracts shall establish terms, conditions, and rules for such transactions, and must be consistent with these rules.

(2) Short-run prototype contract. The electric utility shall file with the commission a contract which offers to qualifying facilities a short-run price equivalent to one hundred percent of the avoided energy-only production costs calculated pursuant to WAC 480-107-050. Such contract shall be called the qualifying facility short-run prototype contract.

(3) Long-run prototype contracts. The electric utility shall file with the commission three contracts which will be used pursuant to the requirements set forth in this chapter.

(a) The first contract shall be used in contracting with qualifying facilities, or other generating facilities if applicable, from winning bidders as determined through the solicitation and bidding process described in this chapter. Such contract shall be called the long-run prototype contract A.

(b) The second contract shall be used in contracting with qualifying facilities of design capacity of one megawatt or less. Such contract shall be called the long-run prototype contract B.

(c) The third contract shall be used in contracting with conservation suppliers as determined through the solicitation and bidding process. Such contract shall be called the long-run prototype contract C.

(4) The commission shall review all short-run and long-run prototype contracts filed by electric utilities pursuant to this section. Any modification to such prototype contracts proposed by the electric utility in between RFP submittals shall be filed with the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-010, filed 7/18/89.]

WAC 480-107-020 Eligibility for long-run generating facility purchase rates. (1) Any developer of a potential generating facility may participate in the bidding process. Qualifying facility developers proposing projects with a design capacity of one megawatt or less may at any time choose to receive long-run prototype contract B as defined in WAC 480-107-010 (3)(b). The purchase price for power from these projects shall be based on avoided energy and capacity costs as defined in WAC 480-107-050.

(2) A soliciting electric utility may broaden the scope of the solicitation and bidding process to include other electric utilities, subject to the approval of the commission. Such a decision must be explained in the utility's RFP submittal.

(3) An electric utility may allow an affiliated generating subsidiary to participate in the bidding process as a power supplier, on conditions set forth in WAC 480-107-160. Such a decision must be explained in the utility's RFP submittal.

(4) A project developer must provide evidence that a generation site has or will be obtained (e.g., letter of intent) before signing a contract with the purchasing electric utility.

(5) The project developer shall specify, as part of the price bid, the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid and

those reasonably anticipated to be in effect during the term of the project.

(6) Any bid which involves the acquisition of energy from a hydroelectric project located in a protected area as designated by the Northwest Power Planning Council must show in its project proposal that:

(a) Such project qualifies for exception or exemption under sections 1103 (b)(4)-(5) or section 1303(g) of the Columbia River Basin Fish and Wildlife Program, or corresponding provisions of the Northwest Conservation and Electric Power Plan; or

(b) The project developer has obtained the necessary approvals from all entities legally responsible for the protection or management of fish or wildlife resources affected by the project, including the Federal Energy Regulatory Commission. The bid shall specify the estimated costs of such compliance.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-020, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-020, filed 7/18/89.]

WAC 480-107-030 Eligibility for long-run conservation purchase rates. (1) Any eligible conservation supplier may participate in the bidding process. An electric utility may allow an affiliated subsidiary to participate as a conservation supplier, on conditions set forth in WAC 480-107-160. Such a decision must be explained in the utility's RFP submittal.

(2) A participating conservation supplier shall provide evidence that the proposed conservation measures can be installed and will produce anticipated savings over the term of the contract.

(3) All conservation measures included in a project proposal must:

(a) Produce electrical savings over a time period of greater than five years, or a longer period if specified in the electric utility's RFP. A measure with an expected life which is shorter than the contract term must include replacements through the contract term;

(b) Be consistent with the utility's least-cost plan at the time of the bid; and

(c) Produce savings that can be reliably measured or estimated with accepted engineering methods.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-030, filed 7/18/89.]

WAC 480-107-040 Size of resource block. (1) The electric utility shall, as part of its RFP submittal, identify a resource block consisting of the overall amount of power to be solicited from project developers through the bidding process. The commission shall review the proposed resource block in its evaluation of the electric utility's RFP submittal.

(2) The electric utility shall, as part of its RFP documentation, demonstrate that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's least-cost plan.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-040, filed 7/18/89.]

WAC 480-107-050 Avoided cost schedules. The electric utility shall determine the avoided costs for the energy and capacity associated with the resource block calculated pursuant to WAC 480-107-040 on an annual basis for the greater of twenty years or the longest period over which power purchase contracts entered under these rules will be effective. This price stream will be referred to as the utility's avoided cost schedule. The avoided cost schedule and its supporting documentation shall be filed with the RFP and shall be reviewed by the commission. Revisions to the avoided cost schedule may be made during the period between solicitations by filing, with the commission and subject to the commission's approval, such revised schedule. The assumptions used in calculating the avoided cost schedule shall be consistent with the utility's least-cost plan. The electric utility shall use this stream of avoided costs to provide general information to potential bidders about the cost of new power supplies absent nonutility resources. For projects rated at one megawatt capacity or less, the most recently approved long-term avoided costs will be the basis for prices offered in prototype contract B negotiations. The avoided cost schedule applicable to any purchases in excess of one megawatt under this chapter shall be that which is filed and approved by the commission pursuant to this section, as adjusted to reflect the most recent purchases under these rules.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-050, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-050, filed 7/18/89.]

WAC 480-107-060 The solicitation process. (1) The utility shall begin the solicitation process by issuing a request for proposals (RFP). The information which a bidder files in accordance with the utility's RFP will be referred to as the project proposal. Project proposals will be subject to a competitive ranking procedure to determine the group of bidders with which the utility will finalize long-run purchase contracts.

(2) Requirements for issuing a request for proposals:

(a) The electric utility shall solicit bids for electric power and electrical savings in conjunction with its least cost planning schedule. The electric utility is required to file its draft request for proposal with the commission within ninety days of the electric utility's filing of its final least cost plan. More frequent solicitations shall be allowed at the discretion of the utility. The solicitation must take the form of an RFP approved by the commission.

(b) The electric utility shall submit a proposed RFP and accompanying documentation to the commission at least ninety days before its proposed issuance date. Persons interested in receiving commission notice of a specific utility's RFP filing can request the commission to place their name on a mailing list for notification of future RFP filings by that utility. Interested persons shall have sixty days from the RFP's filing date with the commission to submit written comments to the commission on the proposed RFP. The commission shall take action on the proposed RFP within thirty days after the close of the comment period. The commission may suspend the RFP filing to determine whether its issuance is in the public interest.

(c) The RFP shall specify the resource block and the long-term avoided cost schedule as calculated in WAC 480-107-040 and 480-107-050.

(d) The RFP shall explain the evaluation and ranking procedure to be used by the utility. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-060, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-060, filed 7/18/89.]

WAC 480-107-070 Project ranking procedure. (1) The electric utility shall adopt ranking procedures to evaluate project proposals on the basis of least-cost planning goals. The project ranking procedure must use explicitly stated criteria.

(2) The criteria used to rank project proposals are subject to commission approval and must be explained in the RFP. These factors must at a minimum address price, dispatchability, risks imposed on ratepayers, and environmental effects including those associated with resources that emit carbon dioxide.

(3) The electric utility's ranking procedures shall recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, and contract provisions.

(4) Information submitted by the bidder pursuant to an approved RFP shall remain sealed until expiration of the solicitation period specified in the RFP. The utility shall make project proposal summaries and a final ranking available at its place of business for public inspection after the project proposals have been opened for the purpose of ranking. The commission shall retain the right to examine project proposals as originally submitted by potential developers. The electric utility shall keep all documents supplied by project bidders or on their behalf, and all documents generated by the electric utility relating to each bid, for a period of at least seven years from the close of the bidding process, or the conclusion of the electric utility's next general rate case, whichever is later.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-070, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-070, filed 7/18/89.]

WAC 480-107-080 Pricing and contracting procedures. (1) On the basis of the ranked project proposals developed in accordance with WAC 480-107-060 and 480-107-070, the electric utility shall identify the bidders that best meet the selection criteria and that are expected to produce the energy, capacity, and electrical savings as defined by the resource block.

(2) The price bid, the requested pricing configuration, and terms of the proposed bid services are subject to negotiation. If a qualifying facility or other generating facility agrees to be operated under economic dispatch, then the price bid shall be adjusted by operating performance adjustments such as the project's equivalent availability factor. The methodology for such performance adjustments must be explained in the utility's RFP submittal.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-080, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-080, filed 7/18/89.]

WAC 480-107-090 Security considerations. (1) The purpose of security requirements shall be to protect ratepayer interests. The requirements and the rationale for them shall be explained in the electric utility's RFP submittal.

(2) Security is required on all project contracts whose expected payment to the project developer at any point in time will exceed the payment which would have been made under the utility's avoided cost schedule. No minimum security is required if payments to the project developer are expected to be always less or equal to the payments which would have been made under the utility's avoided cost schedule.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-090, filed 7/18/89.]

WAC 480-107-100 Contract finalization. (1) If, for the purposes of finalizing a particular contract, the project developer or electric utility requests changes in the long-run prototype contract, the project developer and utility may negotiate these items consistent with the provisions of this chapter. If after ninety days the parties cannot reach an agreement, either party may request a determination by the commission of the matter at issue.

(2) The electric utility is required to sign long-run prototype contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. Longer term contracts can be signed if such provisions are specified in the utility's RFP. A selected project bidder or the utility may petition the commission, after the selection but before the contract is signed, to relieve the party of its obligation to enter into a final contract. The commission may, for good cause shown, relieve the petitioner of its obligation to sign a contract.

(3) If, after project ranking material changes are made in the project proposal, including material price changes, the electric utility must suspend contract finalization with that party and rerank projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility shall dismiss the project proposal from further consideration and replace it with next ranked projects.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-100, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160, 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-100, filed 7/18/89.]

WAC 480-107-110 Obligations of generating facilities to electric utility. The conditions listed in this section shall apply to all generating facilities to be served by an electric utility under this chapter.

(1) The owner or operator of a generating facility purchasing or selling electricity pursuant to these rules shall execute a written agreement with the electric utility.

(2) In order to ensure system safety and reliability of interconnected operations, all interconnected generating facilities shall be constructed and operated in accordance

with all applicable federal, state, and local laws and regulations.

(3) The generating facility shall furnish, install, operate, and maintain in good order and repair and without cost to the electric utility such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shown by the utility to be reasonably necessary for the operation of the generating facility in parallel with the electric utility's system.

(4) Switching equipment capable of isolating the generating facility from the electric utility's system shall be accessible to the utility at all times.

(5) At its option, the electric utility may choose to operate the switching equipment described in subsection (4) of this section if, in the sole opinion of the utility, continued operation of the customer's generating facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification pursuant to WAC 480-107-140. The utility shall endeavor to minimize any adverse effects of such operation on the customer.

(6) Any agreement between a generating facility and an electric utility shall provide for the degree to which the generating facility will assume responsibility for the safe operation of the interconnection facilities. No generating facility may be required to assume responsibility for negligent acts of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-110, filed 7/18/89.]

WAC 480-107-120 Obligations of electric utility to qualifying facilities. (1) Obligation to purchase from qualifying facilities. Each electric utility's obligation to purchase from qualifying facilities shall be limited to one of the following:

(a) Energy and capacity from projects under long-run contract A pursuant to the solicitation and bidding process described in these rules;

(b) Energy or capacity offered at any time under long-run prototype contract B from qualifying facilities with a design capacity of one megawatt or less; or

(c) Energy offered under the short-run prototype contract.

(2) Obligation to sell to qualifying facilities. Each electric utility shall sell to any qualifying facilities, in accordance with WAC 480-107-130, any energy and capacity requested by the qualifying facilities on the same basis as available to other customers of the utility in the same class.

(3) Obligation to interconnect. Any electric utility shall make such interconnections with any qualifying facilities as may be necessary to accomplish purchases or sales under this section. The obligation to pay for any interconnection costs shall be determined in accordance with WAC 480-107-150.

(4) Transmission to other electric utilities. At the request of a qualifying facility, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may, at the option of the utilities involved, transmit energy or capacity to any other electric utility. Nothing contained herein shall be construed to obligate the electric utility connected with the qualifying

facility to transmit to other utilities or to obligate such other utilities to purchase from the qualifying facility.

(5) Parallel operation. Each electric utility shall offer to operate in parallel with a qualifying facility: *Provided*, That the qualifying facility complies with any applicable standards established in accordance with WAC 480-107-110.

[Statutory Authority: RCW 80.01.040, 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-120, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-120, filed 7/18/89.]

WAC 480-107-130 Rates for sales to qualifying facilities. (1) General rules:

(a) Shall be just and reasonable and in the public interest; and

(b) Shall not discriminate against any qualifying facilities in comparison to rates for sales to other customers served by the electric utility.

(2) Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facilities to the extent that such rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request for a qualifying facility, each electric utility shall provide:

- (i) Supplementary power;
- (ii) Back-up power;
- (iii) Maintenance power; and
- (iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the electric utility.

(4) The rate for sale of back-up power or maintenance power:

(a) Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(b) Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-130, filed 7/18/89.]

WAC 480-107-140 System emergencies. (1) Generating facility obligation to provide power during system emergencies: A generating facility entering into a power contract under these rules shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and electric utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) Discontinuance of purchases and sales during system emergencies:

(a) During any system emergency, an electric utility may discontinue or curtail:

(i) Purchases from a generating facility if such purchases would contribute to such emergency; and

(ii) Sales to a generating facility, provided that such discontinuance or curtailment does not discriminate against a generating facility, and takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(b) System emergencies resulting in utility action under these rules are subject to verification by the commission if either party requests such verification.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-140, filed 7/18/89.]

WAC 480-107-150 Interconnection costs. (1) Obligation to pay. Any costs of interconnection shall be the responsibility of the owner or operator of the generating facility entering into a power contract under these rules. Interconnection costs which may be reasonably incurred by the electric utility shall be assessed against a generating facility on a nondiscriminatory basis with respect to other customers with similar load characteristics.

(2) Reimbursement of interconnection costs. The electric utility shall be reimbursed by the generating facility for any reasonable interconnection costs the utility may incur. Such reimbursement may be over an agreed period of time, but not greater than the length of any contract between the utility and the generating facility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-150, filed 7/18/89.]

WAC 480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary.

(1) With the approval of the commission, utility subsidiaries may participate in an affiliated utility's bidding process. Under such circumstances, the solicitation and bidding process will be subject to additional scrutiny by the commission to ensure that no unfair advantage is given to the bidding subsidiary.

(2) As part of its RFP submittal, an electric utility shall notify the commission if a utility intends to allow its subsidiaries to participate in its bidding process. The electric utility must indicate in its RFP submittal how it will ensure that its subsidiary or subsidiaries will not gain, through its association with the electric utility, any unfair advantage over potential nonaffiliated competitors. Disclosure by an electric utility to its affiliated subsidiary of the contents of an RFP or competing project proposals prior to the public availability of such information, shall be construed to constitute an unfair advantage.

(3) Upon a showing to the commission that any unfair advantage was given to a bidding utility subsidiary, rate recovery of costs associated with the subsidiary's project(s) may be denied in full or in part.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-160, filed 7/18/89.]

(1997 Ed.)

WAC 480-107-170 Filings—Investigations—Exceptions. (1) The electric utility shall file with the commission and maintain on file for inspection at its place of business the current rates, prices, and charges established pursuant to these rules.

(2) If, at any time, a project developer is aggrieved by an action of an electric utility pursuant to these rules, the aggrieved party may petition the commission to investigate such action. The commission may, at its discretion, open an investigation and, if it deems necessary, hold public hearings regarding any such petition.

(3) The commission may grant such exceptions to these rules as may be appropriate in individual cases.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-170, filed 7/18/89.]

Chapter 480-110 WAC WATER COMPANIES

WAC

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

480-110-010	Application of rules. [Order R-5, § 480-110-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-011.	480-110-230	Distribution extensions. [Order R-5, § 480-110-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-066.
480-110-020	Saving clause. [Order R-5, § 480-110-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-016.	480-110-240	Service connections. [Order R-5, § 480-110-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-081.
480-110-030	Definition of terms as used in these rules. [Order R-5, § 480-110-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-021.	480-110-250	Access to premises. [Order R-5, § 480-110-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.
480-110-040	Statement of test procedures. [Order R-5, § 480-110-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-156.	480-110-260	Forms of bills. [Order R-5, § 480-110-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-101.
480-110-050	Tariffs. [Order R-5, § 480-110-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.	480-110-270	Dispute as to bills. [Order R-5, § 480-110-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-106.
480-110-060	Classification of accounts. [Order R-5, § 480-110-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.	480-110-280	Meter location. [Order R-5, § 480-110-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-086.
480-110-070	Annual reports. [Order R-5, § 480-110-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.	480-110-290	Installation of meters. [Order R-5, § 480-110-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.
480-110-080	Information available. [Order R-5, § 480-110-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-041.	480-110-300	Meters per customer. [Order R-5, § 480-110-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.
480-110-090	Complaints. [Order R-5, § 480-110-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.	480-110-310	Meter rental. [Order R-5, § 480-110-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.
480-110-100	Record of complaints. [Order R-5, § 480-110-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.	480-110-320	Meter readings. [Order R-5, § 480-110-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-126.
480-110-106	Dispute as to billing. [Order R-30, § 480-110-106, filed 7/15/71. Formerly WAC 480-110-270.] Repealed by Order R-85, filed 6/30/76.	480-110-330	Initial accuracy of meters. [Order R-5, § 480-110-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.
480-110-110	Filing of records and reports. [Order R-5, § 480-110-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-176.	480-110-340	Meter testing facilities. [Order R-5, § 480-110-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.
480-110-120	Identification of employees. [Order R-5, § 480-110-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.	480-110-350	Permissible error. [Order R-5, § 480-110-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-141.
480-110-130	Application for service. [Order R-5, § 480-110-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-046.	480-110-360	Method of testing. [Order R-5, § 480-110-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.
480-110-140	Contract for service. [Order R-5, § 480-110-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-061.	480-110-370	Frequency of periodic tests. [Order R-5, § 480-110-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-161.
480-110-150	Deposits. [Order R-5, § 480-110-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-051.	480-110-380	Meter history record. [Order R-5, § 480-110-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-166.
480-110-160	Discontinuance of service by customer. [Order R-5, § 480-110-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.	480-110-390	Dispute as to accuracy of meters. [Order R-5, § 480-110-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-146.
480-110-170	Discontinuance of service by utility. [Order R-5, § 480-110-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.	480-110-400	Free complaint meter test. [Order R-5, § 480-110-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.
480-110-180	Responsibility for delinquent accounts. [Order R-5, § 480-110-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-116.	480-110-410	Fee for extra complaint meter tests. [Order R-5, § 480-110-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.
480-110-190	Refusal of service. [Order R-5, § 480-110-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-056.	480-110-420	Identification of meters. [Order R-5, § 480-110-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-131.
480-110-200	Service provisions. [Order R-5, § 480-110-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.	480-110-430	Complaint reports. [Order R-5, § 480-110-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.
480-110-210	Changes in use. [Order R-5, § 480-110-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.	480-110-440	Refunds for inaccurate metering. [Order R-5, § 480-110-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-111.
480-110-220	Adequacy and continuity of service. [Order R-5, § 480-110-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.	480-110-450	Meter seals. [Order R-5, § 480-110-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.
		480-110-460	Service area. [Order R-5, § 480-110-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.

480-110-470 Reports of accidents. [Order R-5, § 480-110-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-171.

[Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-09-078 (Order R-373, Docket No. UW-920118), § 480-110-018, filed 4/15/92, effective 5/16/92.]

WAC 480-110-011 Application of rules. These rules shall apply to any public service company defined as such by the law of Washington, as amended, engaged in the distribution, sale or furnishing of water and which is subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility."

The effective tariff provisions filed by utilities shall conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or customer are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 80.04 RCW.

[Order R-30, § 480-110-011, filed 7/15/71. Formerly WAC 480-110-010.]

WAC 480-110-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the laws of the state of Washington.

[Order R-30, § 480-110-016, filed 7/15/71. Formerly WAC 480-110-020.]

WAC 480-110-018 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010 "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

- (a) May authorize the purchase or sale of all or part of the water system or its water rights;
- (b) May authorize capital additions or improvements to the system;
- (c) May accept contributed plant;
- (d) May authorize the expenditure or acquisition of funds which encumber any asset of the company;
- (e) May authorize the expenditure of funds for nonwater company purposes;
- (f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control shall not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

WAC 480-110-021 Glossary. (1) Commission - the Washington utilities and transportation commission.

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

(3) Applicant - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who has completed an application for a distribution extension.

(4) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application for water service and that application has been accepted by the utility.

(5) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation, and in accordance with WAC 480-110-161, frequency of periodic test.

(b) Complaint test - a test made as a result of a request by a customer, and in accordance with WAC 480-110-151, complaint meter test.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(6) Commission service area - a utility service area is that area the company is providing water service to or has a signed contract to provide water service.

(7) Line extension - water mains and appurtenances required to extend the utility's existing water distribution system to make service available to an applicant. A line extension may also be called a distribution extension or a main extension.

(8) Service connection - the pipe, valves, and fittings between the utility's distribution system and the customer's property line.

(9) Service installation - the building of facilities necessary for fire flow or service connection requested by an applicant when there is no specific customer charge in the company's tariff. In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the water industry.

[Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-13-056 (Order R-374, Docket No. UW-920119), § 480-110-021, filed 6/11/92, effective 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-021, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-021, filed 7/15/71. Formerly WAC 480-110-030.]

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 four hundred eighteen dollars.

[Statutory Authority: RCW 80.04.010 and 80.01.040. 95-21-009 (Order R-434, Docket UW-950746), § 480-110-023, filed 10/6/95, effective 11/6/95. 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 480-110-026 Tariffs. Rate schedules and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC utilities general - tariffs.

The effective tariff of each utility shall contain a description by metes and bounds or a detailed map (maps are preferred) of the commission service area which it is dedicated to serve by reason thereof. After a contract is approved by the commission for a service connection or a distribution extension outside of the commission service area, the description or commission service area map on file with the commission shall be amended within thirty days of the effective date of the contract.

All other service area changes, such as an acquisition of a new service area, shall be filed with the commission within thirty days to keep the commission service area description or maps current.

[Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-026, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-026, filed 7/15/71. Formerly WAC 480-110-050 and 480-110-460.]

WAC 480-110-028 Fire flow requirements. The provision of sufficient capacity and pressure to meet "fire flow requirements" or requests for fire flow shall be separately tariffed, or provided by contract submitted for commission approval.

[Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-028, filed 8/14/90, effective 9/14/90.]

WAC 480-110-031 Accounting. (1) The "uniform system of accounts" applicable to Class A, B, and C water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of water utilities in the state of Washington.

(2) Water utilities operating within this state shall be classed by revenue as follows:

Class	Annual Gross Operating Revenue
A	\$750,000 or more
B	\$150,000 to \$750,000
C	less than \$150,000

(3) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of water companies: *Provided*, That the commission is notified

promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(4) Any provisions contained in the uniform system of accounts adopted in subsection (1) of this section which is contrary to subsections (2) and (3) of this section are hereby deleted.

(5) The annual report forms for all classes of water utilities shall be published by this commission and any change will only be accomplished after due notice and order of this commission. One copy of the annual report must be filed as soon after the close of the calendar year as possible; but in no event later than May 1 of the succeeding year.

(6) The results of operations reported by each water utility in its annual report to the commission shall agree with the results of operations shown on its books and records.

(7) Any additional data required of this commission in reporting requirements will only be accomplished after due notice and order of this commission.

(8) The annual budget of expenditures form for budgetary reporting purposes for water utilities shall be published by this commission in accordance with chapter 480-140 WAC. The annual budget of expenditures is due by January 1. This annual budget of expenditures will be required for all water utilities with annual gross operating revenues over \$150,000.

[Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-110-031, filed 12/15/89, effective 1/15/90; Order R-30, § 480-110-031, filed 7/15/71.]

WAC 480-110-032 Accounting—Political information and political education activities. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

[Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-110-032, filed 2/5/86.]

WAC 480-110-036 Finance—Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an authorizing order in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any utility property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC.

[Order R-30, § 480-110-036, filed 7/15/71.]

WAC 480-110-041 Availability of information. (1)

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

(2) Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

(3) Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

(4) A copy of these rules (chapter 480-110 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request.

[Statutory Authority: RCW 80.01.040. 85-11-019 (Order R-229, Cause No. U-85-11), § 480-110-041, filed 5/9/85; Order R-85, § 480-110-041, filed 6/30/76; Order R-30, § 480-110-041, filed 7/15/71. Formerly WAC 480-110-080.]

WAC 480-110-046 Application for service. Anyone desiring service may be required to make application in writing, on forms prescribed by the utility and in accordance with its filed tariff(s). An application shall be deemed to be a notice to the utility that the applicant desires service and is an expression of his willingness to conform to such rules and regulations as are in effect and on file with the commission. Such application shall state clearly the character of service for which applied. In the case of flat rate service the use to be made of such service shall be stated. An applicant shall be deemed a customer when the utility accepts his/her application for water service.

Should a prospective customer use service prior to making application therefor, the utility shall require said customer to pay for such service in accordance with the applicable rate schedule or schedules.

[Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-046, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-046, filed 7/15/71. Formerly WAC 480-110-130.]

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 480-110-056 Refusal of service. The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer, when such service will adversely affect service being rendered to other customers, or where the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of piping or equipment is hazardous, or of such character that satisfactory service cannot be provided.

The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

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

A utility may not be required to provide service if, to do so, it would not be economically feasible.

[Order R-30, § 480-110-056, filed 7/15/71. Formerly WAC 480-110-190.]

WAC 480-110-061 Contract for service. Whenever the classification of service under which the applicant or customer is to be served requires that such service shall be taken for a specified minimum period, a contract may be executed. A sample of each contract form currently used by the utility shall be submitted to the commission.

[Order R-30, § 480-110-061, filed 7/15/71. Formerly WAC 480-110-140.]

WAC 480-110-066 Distribution extensions—Service installations—Service connections. (1) Each utility shall file as a part of its tariff a distribution extension and service connection rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

(2) When an applicant requests a distribution extension from a water company, the company shall clearly disclose that the applicant may use a company-qualified contractor other than the water company if the applicant so desires. Ownership of facilities will revert to the company only upon approval of facilities and the signing of a contract.

(3) When a water company tariff does not set forth by specific amount the charges for connection to its distribution system, then such charges shall be provided under contract. Each contract shall be filed with the commission pursuant to this rule.

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

(5) Each contract filed for commission approval shall be accompanied by such documentation as may be necessary to show that the proposed charges are fair, just, reasonable, and sufficient. In addition, the utility shall file the following information in conjunction with each contract submitted for commission approval:

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

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

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

(d) A statement by the water company that there are no outstanding orders prohibiting such project.

(6) An applicant may submit a proposed contract to the commission, if the applicant does not accept the proposed charges. The commission shall conduct an informal investigation and attempt to mediate the dispute. If the parties have not agreed on a contract price after thirty days from submission of the proposed contract, then the matter shall be set for formal hearing unless the parties request that the period for informal investigation and mediation be extended. In any investigation or formal hearing, the company shall have the burden of proving its proposed charges are fair, just, reasonable, and sufficient. If as the result of a formal hearing a commission order is issued, then the parties may sign the contract and accept the charges as determined by the commission.

(7) In determining the charge for a distribution extension, service installation, or service connection, the utility must determine the most economical route consistent with the utility companies' approved plan and in compliance with sound engineering practice.

(8) There will not be a direct charge or assessment for retrofitting or upgrading the system for applicants or customers within the service area unless the use of the property changes from that originally proposed when the system was designed or approved.

[Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-13-056 (Order R-374, Resolution No. UW-920119), § 480-110-066, filed 6/11/92, effective 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-066, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-066, filed 7/15/71. Formerly WAC 480-110-230.]

WAC 480-110-071 Discontinuance of service. By customer - a customer shall be required to give notice to the utility of his intention to discontinue service.

By utility - (1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be 15 days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For the use of water for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of water without approval of the utility.

(d) For willful waste of water through improper or imperfect piping, equipment, or otherwise.

(e) When customer's piping or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility.

(i) For refusal to comply with the provisions of WAC 480-110-091, access to premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice; provided, however, that if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below.

(b) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected,

disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within 10 working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than 5 business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

[Order R-85, § 480-110-071, filed 6/30/76; Order R-30, § 480-110-071, filed 7/15/71. Formerly WAC 480-110-160 and 480-110-170.]

WAC 480-110-076 Service responsibilities. Customer responsibility - the customer shall notify the utility, in writing, in advance of all changes in equipment or usage which will materially affect the service to be rendered. Such notice shall be given within a reasonable time to permit the utility to provide necessary facilities and acquire additional supply if required.

The cost of necessary facilities, if any, shall be equitably adjusted between the utility and the customer unless otherwise provided in the utility's filed tariff(s).

Utility responsibility - each utility shall install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. Additional equipment may be required by the commission in connection with performing special investigations if economically feasible.

In case any substantial change is made by the utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, all customers liable to be affected shall be promptly notified by the utility and, where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments shall be made, and the cost thereof shall be equitably adjusted between the utility and the customer; except, that when the customer has been advised of such contemplated change prior to his taking service or when such change shall be required by law, the customer shall bear all cost in connection with making changes in his own equipment.

Maintenance - each utility shall maintain its plant and system in such condition as will enable it to furnish adequate service.

Quality of water - refer to state board of health rule WAC 248-54-430.

Protection of water supply - refer to state board of health rules WAC 248-54-350 and 248-54-470.

Flushing of mains - dead ends in the distribution system should be avoided if possible. Where such dead ends exist, they should be flushed at intervals frequent enough to insure satisfactory quality of water to the consumers. Proper provisions must be made for such flushing whenever necessary.

Records shall be kept of all flushing of mains, showing date, place and duration.

Hydrants and valves - each utility furnishing fire protection shall inspect and maintain each fire hydrant as often as necessary to insure the hydrants being in proper

working order, provided that it shall not be the duty of the utility to service hydrants where a contract with a customer provides that they will be inspected and maintained by the customer.

Each utility furnishing fire protection shall have available a map or maps, showing the location of all valves and fire hydrants which are used either directly or indirectly in furnishing fire protection.

Tests shall be made of each valve in the system, three inches or larger, to determine its operating condition. Such tests shall be made at least once each year, and a record shall be kept, showing the date and result of each test.

Test records - each utility shall keep a complete record of each test of quality and service conditions, as made under these rules, and this record shall be accessible to the commission or its authorized representatives.

Each record of tests of quality or of service conditions so kept shall contain complete information concerning the test, including such items as the commission may from time to time require.

Interruptions of service - each utility shall endeavor to make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, to re-establish service with a minimum of delay.

When it is necessary for a utility to make repairs to or change its facilities the utility may, without incurring any liability therefor, interrupt service for such periods as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers, provided that, when practicable, such interruption shall be during working hours regularly maintained by the utility. Police and fire departments affected by the interruption shall be individually notified. All customers affected by a scheduled interruption shall be given notification, through newspapers, radio announcements or other means, at least one day in advance.

Record of interruptions - each utility shall keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as far as possible, the cause of each interruption. Copies of such records shall be submitted to the commission upon request.

[Order R-30, § 480-110-076, filed 7/15/71. Formerly WAC 480-110-200, 480-110-210 and 480-110-220.]

WAC 480-110-081 Service connections. For the connection of its distribution system to the customer's premises, a utility shall, with the exceptions indicated below, furnish and install, at its own expense, the pipe, valves, and fittings between its distribution system and the customer's property line. Such an installation shall be designated as "service connection." The utility shall own, operate, maintain and replace, when necessary, the "service connection."

The utility may make a charge for the "service connection," provided, that a provision is filed in its tariff naming such charge. Any connection longer than the width of the street or public highway at the point of connection will not be considered a "service connection," but will be treated as a distribution extension, unless the connection is privately owned, in which case the utility will connect the customer's service with its distribution system treating the connection as a "service connection."

The customer shall furnish and install the necessary pipe and fittings to make the connection between the various points of consumption and the utility's "service connection" at his property line. Such an installation shall be designated as "customer's service."

A "customer's service" shall extend to that point on his property line easiest of access to the utility from its distribution system, or requiring the least extension of that system. In any case where a reasonable doubt exists as to the proper location for the "customer's service," the utility should be consulted and a location agreed upon.

In the installation of a "customer's service," the customer may be required to leave the trench open and the pipe uncovered for no more than two working days so that it may be examined by a representative of the utility and shown to be free from any irregularity or defect which might interfere with the proper rendering of service by the utility.

More than one "service connection" to supply a customer's premises may be constructed by agreement between the utility and the applicant.

[Order R-30, § 480-110-081, filed 7/15/71. Formerly WAC 480-110-240.]

WAC 480-110-086 Meter location. The meter shall be placed in a suitable meter box located at the customer's property line, except when this is not practicable, the meter shall be installed upon the customer's premises in some convenient place approved by the utility, where the meter will at all times be accessible for inspection, reading and testing.

[Order R-30, § 480-110-086, filed 7/15/71. Formerly WAC 480-110-280.]

WAC 480-110-091 Access to premises. Each utility shall have the right of ingress to or egress from the premises of the customer by its authorized employees or agents at such reasonable hours as may be necessary for meter reading, performance of necessary maintenance, testing, installation or removal of its property.

The utility shall provide a means of identification for those employees or agents required to enter the premises of the customer.

[Order R-30, § 480-110-091, filed 7/15/71. Formerly WAC 480-110-120 and 480-110-250.]

WAC 480-110-096 Complaints and disputes. Any complaint or dispute involving a utility and a customer shall be treated in the following manner:

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

(2) Each utility shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or customer shall inform the customer that if dissatisfied with the decision or the explanation that is provided, the customer has the right to have that problem considered and acted upon by supervisory personnel. The customer shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each utility shall ensure that supervisory personnel contacted by a dissatisfied applicant or customer shall inform a still-dissatisfied applicant or customer of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or customer and the utility shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-08-040 and/or a formal complaint pursuant to the provisions of WAC 480-08-050.

(5) When a complaint is referred to a utility by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

[Order R-85, § 480-110-096, filed 6/30/76; Order R-30, § 480-110-096, filed 7/15/71. Formerly WAC 480-110-090 and 480-110-100.]

WAC 480-110-101 Form of bills. Content - bills for utility service shall be issued at intervals not to exceed three months, and at least shall show a reference to the applicable rate schedule in addition to the amount of the bill. There shall be shown such additional factors, other than those contained in the tariff, as are required in computing the amount of the bill. Each bill shall indicate the date it becomes delinquent and notice of means by which a customer can contact the nearest business office of the utility. Upon a showing of good cause, a customer may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of a billing cycle to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

Metered service bills shall in addition show the date the meter was last read, the reading on that date, and the number and kind of units consumed.

Local taxes - all customer's bills for water service within jurisdictions where such taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on to the customer as a part of the charge for water service.

Prorating - in case the service is rendered for a fraction of the billing period indicated in the tariff schedule and the utility has not filed as a part of its tariff a statement setting

forth the method of billing in such cases, the charge shall be prorated in the following manner:

For flat rate service the charge shall be prorated on the basis of the proportionate part of the period during which service was rendered. For metered service, service shall be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.

Estimating - estimated bills will be clearly identified as such. Each utility shall submit to the commission an outline of its method of estimating customer bills.

[Order R-85, § 480-110-101, filed 6/30/76; Order R-30, § 480-110-101, filed 7/15/71. Formerly WAC 480-110-260.]

WAC 480-110-111 Refund for inaccurate metering.

In the event that a complaint meter test reveals an error adverse to the customer in excess of the permissible limit, the utility shall refund to the customer an amount presumed to have been charged in excess of that which would have been charged had the meter registered correctly, such refund to be computed upon the assumption that the meter was registering correctly six months prior to the date of complaint, and that the change in accuracy has progressed uniformly. Provided, however, that if the meter shall have been installed for a period of less than six months, or that the definite date of the beginning of such inaccuracy is known, then such date of installation, or known inaccuracy shall be taken as the date on which such meter shall have been presumed to be correct.

[Order R-30, § 480-110-111, filed 7/15/71. Formerly WAC 480-110-440.]

WAC 480-110-116 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or customer, who is not in arrears to the utility even though there are unpaid charges due from the premises occupied by the applicant or customer, on account of the unpaid bill of a prior tenant unless there is evidence of intent to defraud.

A utility may not permanently deny service to an applicant because of a prior obligation to the utility.

[Order R-30, § 480-110-116, filed 7/15/71. Formerly WAC 480-110-180.]

WAC 480-110-121 Meter charges and installation.

A utility shall make no charge for furnishing and installing any meter required to determine the charge to be made for water service in accordance with its filed tariff. The utility may file a tariff rule requiring the customer to advance the cost of the meter and its installation at the time of installation and before the water is turned on, provided the customer so requests and there is a metered rate schedule applicable thereto. The amount so paid shall be refunded to the customer by allowing him a credit of one-quarter of his monthly bill until such time as the amount has been paid, provided such refund payments do not run for more than three years from the date when refunds began. All such meters will be maintained and replaced when necessary by the utility without cost to the customer. When the meter requested is one inch or smaller in size, and the utility fails to install it within thirty days from the date such request is received, then the minimum charge applicable to metered

service shall be the maximum amount which such applicant may be required to pay until a meter is installed.

The utility shall have the right to set meters or other devices for the detection and prevention of fraud or waste, without notice to the customer.

The utility shall have the right to meter any flat rate service at its convenience, the utility's metered service rates thereupon to become effective, provided the customer has received at least thirty days written notice. The utility shall keep an adequate record of such notice.

An exception to the maintenance requisite stated above, subject to appeal to the commission, may be made in those cases where the utility can prove that the meter was injured by hot water from the customer's service or where the meter has been broken due to carelessness, negligence or malicious intent on the part of the customer, the meter shall be repaired or replaced by the utility. The cost of such repair or replacement shall be paid by the customer.

The utility shall not be required to install more than one meter for each class of service furnished to a customer at any one location. If the utility, for its own convenience, desires to install more than one meter, the total registration of use as indicated by all the meters for any one class of service shall be used in computing the bill.

No rental shall be charged by any utility for the use of a meter installed by it, excepting that if a customer desires for his convenience the installation of more than one meter on one premise for one class of service, then the utility may install such meters upon the payment, by the customer, of a reasonable rental therefor. The utility shall install a master meter ahead of such group of rental meters, the reading of which shall be used in computing the bills to be rendered. No rental charge shall be made for the master meter.

[Order R-30, § 480-110-121, filed 7/15/71. Formerly WAC 480-110-290, 480-110-300 and 480-110-310.]

WAC 480-110-126 Meter readings. Each meter shall indicate or record the quantity of water supplied, registered in units in which water is sold.

Where the water is metered under such conditions as require the application of a multiplier, or where the quantity is determined by calculation from recording devices, the utility, upon request, shall supply the customer with complete information to enable the customer to compute the quantity consumed.

[Order R-30, § 480-110-126, filed 7/15/71. Formerly WAC 480-110-320.]

WAC 480-110-131 Identification of meters. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter and shall also carry the name or the initials of the utility.

[Order R-30, § 480-110-131, filed 7/15/71. Formerly WAC 480-110-420.]

WAC 480-110-136 Initial accuracy of meters. Prior to being put into service the meter shall be in good order and shall be adjusted to register as nearly correct as practicable.

All meters in service shall be sealed by the use of a sealing device acceptable to the commission.

[Order R-30, § 480-110-136, filed 7/15/71. Formerly WAC 480-110-330 and 480-110-450.]

WAC 480-110-141 Accuracy of meters. Whenever a meter test is made and the meter is found to register more than 102 percent or less than 98 percent of the water passed, it must be adjusted so as to register as nearly 100 percent as is possible.

[Order R-30, § 480-110-141, filed 7/15/71. Formerly WAC 480-110-350.]

WAC 480-110-146 Dispute as to accuracy of meters. In the event of a dispute between the customer and the utility respecting the accuracy of a metering device, the utility shall make such investigation as shall be required by the particular case, and report the result thereof to the customer. In the event that the complaint is not reconciled, the utility or the customer may appeal to the commission for review.

When a utility has been notified that a complaint regarding meter accuracy has been referred to the commission, the questioned meter shall not be adjusted in any manner without prior authorization of the commission. Violation of this provision may be considered as a substantiation of the complainant's contentions insofar as such change might affect the proof of such contentions.

[Order R-30, § 480-110-146, filed 7/15/71. Formerly WAC 480-110-390.]

WAC 480-110-151 Complaint meter test. Initial complaint meter test - each utility shall initiate a test of the accuracy of a meter, free of charge, within ten working days after the receipt of a request from a customer provided such customer does not make a request for a test more frequently than once in twelve months unless relieved of such responsibility upon appeal to the commission.

When a customer desires either personally or through a representative, to witness the testing of a meter, he may require the meter to be so sealed in his presence upon removal as to prevent tampering. The seal shall not be broken until the test is made in his presence, or until permission to break the seal has been granted by the commission.

Extra complaint meter test - if any customer of a utility desires a meter test in addition to that provided for above, said customer shall first make application to the utility, which shall have ten working days within which to make said test and report the result thereof to the customer, or to refuse altogether to make said test.

Should the utility refuse to make said test or should the customer not be satisfied with the accuracy of any test made by the utility, the customer may then make application to the commission, which shall cause such test to be made as soon as practicable after the receipt of the application.

If the results of the meter test directed by the commission show the meter to be slow or correct within the allowable limits or substantially the same as those reported by the utility, then the customer shall be required to pay the cost of such test, but if the meter is found to be fast, beyond the allowable limit, the utility shall assume the cost of such test.

Reports - the utility may be required to submit to the commission at such times as the commission may designate, reports of meter tests made in response to customers'

complaints. These reports are to contain the name and address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date tested, the reading of the meter when tested, the accuracy of the meter as found, and its accuracy as left.

[Order R-30, § 480-110-151, filed 7/15/71. Formerly WAC 480-110-400, 480-110-410 and 480-110-430.]

WAC 480-110-156 Statement of test procedures.

Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of equipment employed to determine pressure of water furnished.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

(4) Testing and adjustment program of meters prior to installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the commission in writing before becoming effective.

Records shall be maintained showing the date when each testing instrument or other equipment was last calibrated and adjusted.

[Order R-30, § 480-110-156, filed 7/15/71. Formerly WAC 480-110-040.]

WAC 480-110-161 Frequency of periodic tests. The accuracy of registration of all meters in service shall be maintained and shall be insured by periodic tests.

Displacement meters shall be periodically tested as follows:

- 5/8 in. at least once every ten years
- 3/4 in. at least once every eight years
- 1 in. at least once every six years
- 1-1/2 and 2 in. at least once every four years
- over 2 in. at least once every two years

Periodic test periods for testing meters differing from those stated may be prescribed by the commission, if conditions warrant.

Ordinarily, meters of the current and compound type shall be cleaned at least once each year.

[Order R-30, § 480-110-161, filed 7/15/71. Formerly WAC 480-110-370.]

WAC 480-110-166 Meter history records. Records showing the history of each meter shall be maintained for the life of the meter plus three months. Such records shall be subject to approval of the commission and shall show the approximate date of purchase, the manufacturer's name and meter number, the utility's meter number, the places of installation, the readings at the time of each installation and each removal. The records shall include the date of all tests

made together with data recorded and computations made in order to determine the accuracy of the meter. If a test is a complaint test, the records shall also include the name of the complainant and the accuracy of the meter as found, and as left.

[Order R-30, § 480-110-166, filed 7/15/71. Formerly WAC 480-110-380.]

WAC 480-110-171 Reports of accidents. Each utility shall give prompt notice to the commission of every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. The report shall include as a minimum the name of the person injured, time and place of accident, a brief explanation and description of the accident and shall be confirmed in writing when the initial report has been oral.

[Order R-30, § 480-110-171, filed 7/15/71. Formerly WAC 480-110-470.]

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

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480-120-042	Directory service.	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.
480-120-046	Service offered.	480-120-090	Application for service. [Order R-5, § 480-120-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-051.
480-120-051	Availability of service—Application for and installation of service.	480-120-100	Classes of service. [Order R-5, § 480-120-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.
480-120-056	Establishment of credit.	480-120-110	Types of service. [Order R-5, § 480-120-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.
480-120-057	Deposit or security—Interexchange telecommunications companies.	480-120-111	Dispute as to bills. [Order R-25, § 480-120-111, filed 5/5/71. Formerly WAC 480-120-220.] Repealed by Order R-86, filed 6/30/76.
480-120-061	Refusal of service.	480-120-120	Grades of service. [Order R-5, § 480-120-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.
480-120-066	Contract for service.	480-120-130	Deposits. [Order R-5, § 480-120-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-056.
480-120-071	Line extension policy.	480-120-140	Discontinuance of service by subscriber. [Order R-5, § 480-120-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.
480-120-076	Underground.	480-120-150	Discontinuance of service by utility. [Order R-5, § 480-120-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.
480-120-081	Discontinuance of service.	480-120-160	Responsibility for delinquent accounts. [Order R-5, § 480-120-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-121.
480-120-087	Telephone solicitation.	480-120-170	Line extension policy. [Order R-5, § 480-120-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-071.
480-120-088	Automatic dialing-announcing devices.	480-120-180	Complaints. [Order R-5, § 480-120-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-101.
480-120-089	Information delivery services.	480-120-190	Records. [Order R-5, § 480-120-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.
480-120-091	Farmer lines.	480-120-200	Directories. [Order R-5, § 480-120-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-096	Grounded circuits.	480-120-210	Subscriber billing. [Order R-5, § 480-120-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-106.
480-120-101	Complaints and disputes.	480-120-220	Dispute as to bills. [Order R-5, § 480-120-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-111.
480-120-106	Form of bills.	480-120-230	Adequacy of service. [Order R-5, § 480-120-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-116	Refund for overcharge.	480-120-240	Dial service requirements. [Order R-5, § 480-120-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-121	Responsibility for delinquent accounts.	480-120-250	Answering time—Manual toll offices. [Order R-5, § 480-120-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-126	Safety.	480-120-260	Intercept. [Order R-5, § 480-120-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-131	Reports of accidents.		
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-120-010	Application of rules. [Order R-5, § 480-120-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-011.	480-120-220	Dispute as to bills. [Order R-5, § 480-120-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-111.
480-120-020	Saving clause. [Order R-5, § 480-120-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-016.	480-120-230	Adequacy of service. [Order R-5, § 480-120-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-030	Definition of terms as used in these rules. [Order R-5, § 480-120-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-021.	480-120-240	Dial service requirements. [Order R-5, § 480-120-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-040	Tariffs. [Order R-5, § 480-120-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-026.	480-120-250	Answering time—Manual toll offices. [Order R-5, § 480-120-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
480-120-050	Classification of accounts. [Order R-5, § 480-120-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.	480-120-260	Intercept. [Order R-5, § 480-120-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

- 480-120-270 Farmer lines. [Order R-5, § 480-120-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-091.
- 480-120-280 Grounded circuits. [Order R-5, § 480-120-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-096.
- 480-120-290 Maintenance of plant and equipment. [Order R-5, § 480-120-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
- 480-120-300 Interruptions of service. [Order R-5, § 480-120-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.
- 480-120-310 Safety. [Order R-5, § 480-120-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-126.
- 480-120-320 Reports of accidents. [Order R-5, § 480-120-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-131.
- 480-120-330 Credit cards. [Order R-5, § 480-120-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

WAC 480-120-011 Application of rules. These rules and regulations shall govern the furnishing of intrastate telecommunications service and facilities to the public by telecommunications companies subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility." The purpose of these rules is to set forth reasonable service standards to the end that modern, adequate, efficient and sufficient telecommunications service will be rendered to the public.

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or subscriber are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rules herein, except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-011, filed 11/7/85; Order R-25, § 480-120-011, filed 5/5/71. Formerly WAC 480-120-010.]

WAC 480-120-016 Saving clause. The adoption of these rules shall in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment, facility or standards, not otherwise herein provided for, either upon complaint or upon its own motion, or upon the application of any party, and further, these rules shall in no way relieve any utility from any of its duties under the laws of the state of Washington.

[Order R-25, § 480-120-016, filed 5/5/71. Formerly WAC 480-120-020.]

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 480-120-022 Classification proceedings. (1)

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

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

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

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

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

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

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

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

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

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

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

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-022, filed 11/7/85.]

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

(1) Name and address of the petitioner;

(2) A description of the services it offers;

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

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

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

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

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

(d) A geographical delineation of the relevant market;

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

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

(g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;

(h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;

(i) The manner by which notice of price list changes will be provided to customers and the commission.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-023, filed 11/7/85.]

WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies. (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-024, filed 11/7/85.]

WAC 480-120-025 Investigations. (1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

(2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.

(3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-025, filed 11/7/85.]

WAC 480-120-026 Tariffs. Rate schedules, and rules and regulations governing services of a utility shall be published in accordance with chapter 480-80 WAC - Utilities general—Tariffs.

[Order R-25, § 480-120-026, filed 5/5/71. Formerly WAC 480-120-040.]

WAC 480-120-027 Price lists. (1) Pursuant to RCW 80.36.310 telecommunications services classified by the commission as competitive will be offered under price lists. All services of competitive telecommunications companies as classified by the commission under RCW 80.36.310 will be offered under price lists.

(2) All price lists filed with the commission must describe the service being offered and all prices, charges, terms, and conditions pertaining thereto. Each page of every price list shall contain, in general, the company name, the page number, and the effective date. All subsequent revisions of a price list shall bear consecutive revision numbers. Price lists must provide sufficient detail for customers and potential customers reasonably to determine what is being offered and what charges the customer incurs in obtaining the service.

(3) Contracts (including modifications to previously executed contracts) for services which are governed by this section may be offered subject to the requirements of this subsection.

(a) Contracts of companies classified "competitive" under RCW 80.36.310 shall be filed with the commission not later than five business days after execution. A contract filed pursuant to this subdivision will not be rejected by the commission in the absence of competent evidence that the contract is unlawful.

(b) Contracts which offer services classified as "competitive" under RCW 80.36.330 shall be filed with the commis-

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sion at least ten days prior to the effective date. Such contracts may not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately and offered under an approved tariff or contract (see WAC 480-80-330). A contract filed pursuant to this subdivision may be rejected if the telecommunications company is unable to document that the price charged covered its relevant costs under either a long run incremental cost analysis or a fully distributed cost analysis whichever is lower, or any other commission-approved cost method. A contract filed pursuant to this subdivision may also be rejected upon a showing that it is otherwise unlawful. To meet its burden of proving that the contract is cost-based, the company shall, at a minimum, provide the following information at the time of filing:

(i) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge; and

(ii) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract.

(c) All contracts filed pursuant to this subsection shall be for a stated time period.

(d) Filings under this subsection may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.

(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply. Upon the acceptance of such a contract offer by the federal agency, the telecommunications company shall immediately file the contract with the commission and must include the same documentation otherwise required by this section.

[Statutory Authority: RCW 80.01.040. 89-12-038 (Order R-301, Docket No. U-88-1704-R), § 480-120-027, filed 6/1/89; 87-24-055 (Order R-282, Cause No. U-86-125), § 480-120-027, filed 11/30/87.]

WAC 480-120-031 Accounting. (1) Except as provided in this rule, the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Part 32, 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 differ-

ence 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; 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-031, filed 4/15/91, effective 5/16/91; 89-23-048 (Order R-311, Docket No. U-89-2864-R), § 480-120-031, filed 11/13/89, effective 12/14/89; 87-24-056 (Order R-278, Cause No. U-87-1144-R), § 480-120-031, filed 11/30/87; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-031, filed 6/27/86. Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-031, filed 11/7/85; Order R-25, § 480-120-031, filed 5/5/71.]

WAC 480-120-032 Accounting—Political information and political education activities. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

[Statutory Authority: RCW 80.01.040, 86-04-072 (Order R-251, Cause No. U-85-78), § 480-120-032, filed 2/5/86.]

WAC 480-120-033 Accounting and reporting requirements for competitive telecommunications companies. Competitive telecommunications companies shall, at a minimum, keep accounts according to generally accepted accounting principles and file annually, on a form prescribed by the commission, a certified consolidated financial statement which specifies revenues from intrastate operations. This annual report is due by May 1st of the succeeding year. Competitive telecommunications companies shall also make available, at the time and place the commission may designate, such accounting records as the commission may request. Such companies shall also keep on file at the commission current price lists and service standards.

[Statutory Authority: RCW 80.01.040, 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-120-033, filed 12/15/89, effective 1/15/90; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-033, filed 6/27/86.]

WAC 480-120-036 Finance—Securities, affiliated interests, transfer of property. A utility will not issue securities or create liens for which authorization of the

commission under chapter 80.08 RCW is required nor make or enter into any contract with an affiliated interest for which authorization of the commission under chapter 80.16 RCW is required, without first filing an application and receiving an order granting permission by the commission in accordance with chapter 80.08 or 80.16 RCW and chapter 480-146 WAC.

A utility will not transfer any property for which authorization of the commission under chapter 80.12 RCW is required without first obtaining such authorization. This authorization shall be requested by application prepared in accordance with chapter 480-143 WAC.

[Order R-25, § 480-120-036, filed 5/5/71.]

WAC 480-120-041 Availability of information. Each utility shall make known to applicants for service and to its subscribers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs and/or price lists) of the telecommunications company shall be made available to the public upon request and at any of its listed business offices. In addition, each telecommunications company shall publish in its directory a consumer information guide which details the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-120 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its subscribers or their representatives upon request.

[Statutory Authority: RCW 80.01.040 and 1988 c 91, 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-041, filed 1/31/89. Statutory Authority: RCW 80.01.040 and 1985 c 450, 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-041, filed 11/7/85; Order R-86, § 480-120-041, filed 6/30/76; Order R-25, § 480-120-041, filed 5/5/71. Formerly WAC 480-120-070.]

WAC 480-120-042 Directory service. A telephone directory shall be regularly published for each exchange, listing the name, address (unless omission is requested), and telephone number of the subscribers who can be called in that exchange, except those subscribers who have a nonlisted or nonpublished telephone number. Any subscriber to residential service may request a dual name primary directory listing which contains, in addition to the subscriber's surname, the given names or initials (or combination thereof) of the subscriber and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the subscriber is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a subscriber pursuant to tariff provision shall also reflect said dual name listing if requested by the subscriber. (Each subscriber to residential service as of the effective date of this rule shall be entitled for a six month period to request on a one-time basis at no cost a change in

the manner of listing the subscriber's name to the dual name listing provided for above, so long as there has been no other change requested and made in the subscriber's directory listing since the effective date.)

A copy of any required directory shall be furnished each subscriber in each exchange. If that directory does not also contain such listings for all subscribers who can be called toll free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall be furnished each subscriber upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed, its actual cost for the directory, plus freight, postage, and \$0.50.

Normally, telephone directories shall be revised annually; otherwise they shall be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that it is unnecessary to revise the directory within the specified time limit for good cause and/or due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept in the case of dial exchanges.

In the event of an error in the listed number of any subscriber, the telecommunications company shall, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, providing that this is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another subscriber. In the event of an error or omission in the name listing of a subscriber, such subscriber's correct name and telephone number shall be maintained in the files of the directory assistance operator, and the correct number shall be furnished the calling party upon request.

Whenever a subscriber's telephone number is changed for any reason after a directory is published, the utility shall intercept all calls to the former number, if existing office equipment will permit, for a minimum period of thirty days or until a new directory is published, and give the calling party the new number for that subscriber unless the subscriber has requested that such referral not be made.

When additions or changes to plant or records are scheduled which will necessitate a large group of number changes, a minimum of six months notice shall be given to all subscribers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory.

[Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-042, filed 11/7/85; Order R-92, § 480-120-042, filed 2/9/77.]

WAC 480-120-046 Service offered. (1) Classes of service - each utility shall file with the commission, as a part of its tariff, regulations enumerating and comprehensively defining the classes of service available to subscribers.

The classes of service are: Business and residence.

(2) Types of service - in general the principal types of service offered shall be flat rate, message rate and semipublic.

(3) Grades of service - in general the principal grades of service shall be individual, two-party, four-party, suburban and farmer line service. In general, individual, two-party and four-party service shall be available within the base rate area and suburban service provided in suburban areas outside the base rate area of the utility.

Within the base rate area, no utility shall place more than four subscribers on any local exchange line, except upon approval by the commission.

On rural lines where suburban service is provided, no more than 10 subscribers shall be connected to any one suburban service line and an effort should be made to reduce the number of subscribers on suburban service lines to 4. The utility may regroup stations as may be necessary to carry out the provisions of this rule.

No utility shall connect more subscribers to any one line than the number specified for the particular grade of service.

(4) Credit cards - no telephone utility shall issue a telephone credit card or telephone calling card to any person, firm or corporation unless such a person, firm or corporation is:

(a) A bona fide subscriber to the utility's exchange service, or

(b) A nonsubscriber to the utility's exchange service whose principal location is in the utility's exchange area and who is not a subscriber to any other utility's exchange service, or

(c) A nonsubscriber to the utility's exchange service where issuance has been authorized in writing by the commission through its secretary upon a showing in writing by the telephone utility that such issuance is reasonably required and is in the public interest.

When a telephone utility discovers that the foregoing conditions shall have ceased to exist, with respect to any credit card or calling card holder, it shall inform such holder that said credit card or calling card is void and that the same must be surrendered or destroyed.

[Statutory Authority: RCW 80.01.040. 83-11-020 (Cause No. U-83-22 and Order R-204), § 480-120-046, filed 5/11/83. Order R-32, § 480-120-046, filed 11/26/71; Order R-25, § 480-120-046, filed 5/5/71. Formerly WAC 480-120-100, 480-120-110, 480-120-120 and 480-120-330.]

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 480-120-056 Establishment of credit. (1) Establishment of credit - nonresidential. An applicant for or subscriber of nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(2) Establishment of credit for residential - interexchange telecommunications company services. An applicant for or subscriber of interexchange telecommunications services may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Establishment of credit for residential - local exchange telecommunications company services. An applicant for or subscriber of local exchange service may demonstrate satisfactory credit by demonstrating any one of the following, provided the applicant or subscriber is not subject to a deposit requirement under subsection (4)(b) of this section,

and the information can be confirmed easily and quickly by the company:

(a) Prior residential service with the telecommunications company in question during the previous twelve 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 during the six-month period. Unless, the telecommunications company has determined that realignment of the customer's bill due date as provided for in WAC 480-120-106 would have negated the need for notices.

(b) Prior residential service with any telecommunications company with a satisfactory payment record as demonstrated in (a) of this subsection and the applicant provides the necessary information to substantiate the assertion. The applicant may either provide verification via a letter from their previous telecommunications company or have their previous telecommunications company provide the verification of credit.

(c) Consecutive employment during the entire twelve months next previous to application, with no more than two employers, and the applicant is currently employed. The applicant or subscriber must provide a work telephone number to enable the telecommunications company to verify employment.

(d) Stable monthly income during the entire twelve months next previous to application for service, and the applicant or subscriber is continuing to receive such income. The applicant or subscriber must provide a telephone number of the income provider which can confirm the information.

(e) Applicant owns or is purchasing the residence to be served. The applicant must provide a parcel number or another means whereby the telecommunications company can confirm the information.

Upon request, telecommunications companies within the state of Washington must provide applicants or subscribers confirmation of their payment history for the previous twelve-month period. Written confirmation may be provided to either the consumer or directly to the telecommunications company of which service is requested. Verbal confirmation must be provided directly to the telecommunications company of which service is requested. The criteria used for the confirmation must be the same as provided for in (a) of this subsection. The confirmation must be provided on the same or following business day of the request.

The information provided by the applicant or subscriber to establish credit shall be used only for purposes of establishing credit worthiness. Information shall not be provided to any person or telecommunications company for purposes other than to establish credit worthiness as provided for in (a) of this subsection.

(4) Deposit requirements. An applicant or subscriber may be required to pay a deposit under the following circumstances:

(a) When an applicant or subscriber is unable to establish credit as defined above.

(b) When a subscriber is initially provided service without a deposit on the basis of information supplied to the telecommunications company by the subscriber which is incorrect and the subscriber otherwise would have been required to make a deposit.

(c) In any event, a deposit may be required when within the last twelve months prior to application, the applicant's or subscriber's service of a similar type has been disconnected for failure to pay amounts owing, when due; or where applicant has an unpaid, overdue balance owing for the same class of service from the telecommunications company to which application is being made, or any other telecommunications company.

(d) When a subscriber has incurred excessive toll charges as defined in subsection (5) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.

(5) Amount of deposit.

(a) In instances where a deposit may be required by the telecommunications company, the deposit shall not exceed:

(i) For nonresidential service, two-twelfths of estimated annual billings;

(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service or two months estimated usage for applicants or subscribers without previous verifiable service. Customary utilization is calculated using charges for the previous three months service.

(b) Subscribers whose toll charges exceed thirty dollars, or whose toll charges exceed customary utilization over the previous six months by twenty dollars or by twenty percent, whichever is greater, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the telecommunications company between the time of notice and of payment.

(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon two months customary utilization.

(c) If the notice herein described is mailed, receipt may be presumed upon the fourth business day following date of mailing.

(d) At the time application is made for service, the telecommunications company may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required if the toll is incurred by a telecommunications company authorized by the commission to collect deposits and advanced payments; a deposit or additional deposit may be required, or service may be disconnected.

(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers service to a new location within the same utility's service area, the deposit, less any outstand-

ing balance, shall be transferable and applicable to the new service location.

(7) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts over the following two months. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9) of this section, alternative to deposit, of this section.

(9) Alternative to deposit. A residential subscriber or applicant for residential service who is unable to establish credit as provided above and is required to make a deposit, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to:

(a) Furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required until satisfactory credit is established. The company may require that the guarantor reside in the state of Washington and currently have service with the telecommunications company requesting the deposit.

(b) Where technically feasible, accept a toll restricted access line in lieu of payment of the deposit until satisfactory credit is established as provided for above, or until a deposit is received. A toll restricted line shall provide access to emergency service, such as 911.

(10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

(11) Refund of deposit or removal of toll restriction. Deposits shall be refunded or toll restriction converted to unrestricted service under the following circumstances:

(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service in a prompt and satisfactory manner as evidenced by the following:

(i) The telecommunications company has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the telecommunications company within the previous twelve-month period.

(b) Termination of service. Upon termination of service, the telecommunications company shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the telecommunications company by the subscriber for service rendered on the telephone account for which the deposit was collected.

(c) Refunds - how made. Any deposit, plus accrued interest, may be applied to the subscriber's telephone account for service in the 13th and, if appropriate, subsequent months

once satisfactory credit is established. Upon subscriber request, the refund shall be made in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above.

(12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this section.

[Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-056, filed 9/22/94, effective 10/23/94; 88-13-099 (Order R-287, Cause No. U-87-1611-R), § 480-120-056, filed 6/21/88. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-056, filed 11/7/85. Statutory Authority: RCW 80.01.040. 85-04-036 (Order R-219, Cause No. U-84-69), § 480-120-056, filed 2/1/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71. Formerly WAC 480-120-130.]

WAC 480-120-057 Deposit or security—Interexchange telecommunications companies. (1) Establishment of credit—interexchange telecommunications company. An interexchange telecommunications company may establish credit by demonstrating to the utility any one of the following subdivisions (a) or (b) of this subsection, subject to the provisions of subsection (4) of this section:

(a) Corporate debt rating. The interexchange telecommunications company or, if the interexchange telecommunications company is unable to comply with this provision, its parent or affiliated company, has undertaken to guarantee the payment of all charges incurred by the subscribing interexchange telecommunications company, has a corporate debt rating, according to Standard and Poor's of BBB or higher, or according to Moody's of Baa or higher, with respect to any outstanding general debt obligation; or

(b) When the interexchange telecommunications company has demonstrated to the utility, through the bimonthly provision of certified financial statements, the following financial criteria:

(i) A positive cash flow from total company operations over the past twelve months.

(ii) A minimum level of net worth at least equivalent to the deposit which would otherwise be required.

(iii) A current ratio (current assets-to-current liabilities) of 1.1 to 1 or a debt-to-equity ratio of 1.8 to 1.

(iv) A minimum accounts receivable turnover ratio (annual sales divided by average accounts receivable) of four over the last twelve months.

(2) Deposit or security requirements. A deposit or security shall be required from an interexchange telecommunications company under the following circumstances:

(a) When the interexchange telecommunications company has failed to establish credit as outlined above.

(b)(i) In any event, a deposit or security shall be required when within the twelve months prior to the application, the interexchange telecommunications company's service has been disconnected for failure to pay amounts owing, when due; when the interexchange telecommunications company has an unpaid balance owing for service from the utility to which application is being made or any other telecommunications company; or when two or more delin-

quency notices have been served upon the interexchange telecommunications company by any telecommunications company during the twelve months previous to the application for service.

(ii) No delinquency notice based upon any bill or charge which is in dispute, whether prior to or subsequent to the effective date of this rule, shall be considered grounds from requiring a deposit or security.

(c) When an interexchange telecommunications company:

(i) Is initially provided service without a deposit or security on the basis of credit information supplied to the utility which is incorrect or cannot be verified by the utility and the interexchange telecommunications company would have otherwise been required to make a deposit or security; or

(ii) Has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or

(iii) Has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service.

(d) Any new or additional deposit or security required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.

(3) Types of deposit or security. Deposits or security may consist of cash, letters of credit or surety bonds, or any combination thereof.

(4) Amount of deposit or security.

(a) When a deposit or security shall be required by the utility, the deposit or security shall be equal to two months of estimated billings. If past service has been provided, the estimated billing shall be calculated based upon the average monthly billings over the past three months. Such a calculation is subject to revision based upon changes in the average of the past months' billings.

(b) Interexchange telecommunications companies whose billings exceed the estimated amount by ten percent shall be required, upon written or verbal notice to the interexchange telecommunications company, to make payment of either of the following at the interexchange telecommunications company's election, before the close of the next business day following receipt of the notice:

(i) Full payment of the charges specified in said notice; or all charges accrued to the time of payment providing the interexchange telecommunications company has been notified that it is liable for charges in addition to those charges specified in the notice.

(ii) Payment of a new or additional deposit or security in light of the interexchange telecommunications company's actual use based upon an estimated two months billing.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(5) Application of deposit or security. When an account of an interexchange telecommunications company is delinquent, the deposit or security may be applied by the utility toward satisfaction of the past due amount before disconnection is effected. Written notice of such application shall be

promptly furnished to the interexchange telecommunications company. If an amount of security or deposit is applied toward satisfaction of any past due amount, the utility shall require an additional deposit or security in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit or security. Application of a deposit or security as provided for herein shall not prevent disconnection of service for failure by the interexchange telecommunications company to pay any past due amounts which may remain outstanding. However, the utility may not disconnect service or apply security or deposit on amounts that are in dispute.

(6) Interest on deposits. Interest on deposits shall be in conformance with the guidelines set forth in WAC 480-120-056(7).

(7) Refund of deposit or security. Deposits or security shall be refunded under the following circumstances and in the following form:

(a) Establishment of credit. Any deposit or security shall be refunded whenever the interexchange telecommunications company has established credit as outlined in subsection (1)(a) or (b) of this section.

(b) Termination of service. Upon termination of service, the utility shall return to the interexchange telecommunications company the security or the amount then on deposit plus accrued interest, less any amounts due the utility by the interexchange telecommunications company for service rendered.

(8) Should a larger or new deposit or security be required, the reasons therefor shall be specified in writing to the interexchange telecommunications company. Any requirement for a new or larger deposit or security shall be in conformity with the standards set forth in this rule.

(9) Alternative to deposit or security. An interexchange telecommunications company which does not satisfy the criteria in subsection (1) of this section may choose to pay for services in advance, in which case the requirement for deposit or security will not apply.

(a) Prepayment amount. An interexchange telecommunications company may prepay an initial amount equal to the most recent month's billings. If the interexchange telecommunications company has no billing history, the prepayment amount shall be equal to an estimate made by the utility of those charges that will be incurred by the interexchange telecommunications company in the following month. This amount shall be due on the first business day of the month to which it will apply.

(b) The utility shall hold the interexchange telecommunications company's prepaid amounts in an interest bearing account, which interest shall accrue to the benefit of the interexchange telecommunications company.

(c) Application of prepayment. The utility shall apply funds held in the prepayment account to bills incurred by the interexchange telecommunications company as they are issued during the month.

(d) Adjustments to prepayment amount. If the cumulative amount billed to the interexchange telecommunications company during any month exceeds the amount of prepayment, the interexchange telecommunications company shall, by the fifth business day of the following month, remit to the utility the amount by which the actual billed amount has exceeded the prepaid amount. If the cumulative amount

billed is less than the amount of the monthly prepayment, the utility shall by the fifth business day of the following month refund the excess amount, or make appropriate adjustment to the prepayment amount for the current month. If actual billings for any month deviate from the prepaid amount by five percent or more, the prepayment for the ensuing months shall be adjusted to the level of the prior month's billing. If during any month the interexchange telecommunications company adds additional services estimated to exceed the monthly prepaid amount by more than ten percent, the interexchange telecommunications company shall be required to remit an additional prepayment amount by the fifth business day following receipt of written or oral notice by the utility.

(e) Transition period. An interexchange telecommunications company which elects to pay for services in advance may retire any outstanding obligations prior to the first month in which prepayment is utilized by executing and fulfilling the terms of a promissory note for the retirement of such debt, interest free, in not more than three equal monthly installments. However, the interexchange telecommunications company shall not be required to make arrangements on any amounts in dispute.

(f) Disconnection. If an interexchange telecommunications company which has chosen to pay for services in advance fails to satisfy the obligations under this section, the utility may discontinue service to that interexchange telecommunications company two business days following oral notice of intent to discontinue service.

[Statutory Authority: RCW 80.01.040, 92-01-114 (Order R-352, Docket No. UT-910787), § 480-120-057, filed 12/18/91, effective 1/18/92; 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-057, filed 5/12/86, effective 7/31/86.]

WAC 480-120-061 Refusal of service. (1) The telecommunications company may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A telecommunications company may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A telecommunications company shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights of way, easements, and permits.

(4) A telecommunications company may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same telecommunications company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory to the telecommunications company are made: *Provided*, That an overdue or unpaid obligation to an information provider shall not be grounds for denial of service. A nontelecommunication company applicant for service shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. Any amount owed to a local exchange company or an interexchange carrier at the time a

customer's local service is disconnected for nonpayment is considered a prior obligation. Any amount owed to an interexchange carrier at the time the telecommunications company toll restricts a customer's service for nonpayment is considered a prior obligation. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance or toll restriction of service under the provisions of WAC 480-120-081. A telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the company.

(5) A telecommunications company may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same telecommunications company for the same class of telecommunications service at that address until the obligation is paid or satisfactory arrangements are made.

(6) A telecommunications company may deny service until any proper deposit is paid in full, or in part, or an alternative service option as defined in WAC 480-120-056 has been selected by the applicant or subscriber.

(7) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who fails to provide accurate and verifiable information necessary to establish the identity of the applicant or subscriber until verifiable information is provided. Telecommunications companies must provide a means for applicants or subscribers to provide identification. At a minimum business offices and payment agencies required under WAC 480-120-510 must provide this service at no charge to the applicant or subscriber.

(8) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.

(9) A local exchange company shall deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from a local exchange company shall state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.

[Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-061, filed 9/22/94, effective 10/23/94; 92-01-115 (Order R-353, Docket No. UT-910788), § 480-120-061, filed 12/18/91, effective 1/18/92; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-061, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

WAC 480-120-066 . Contract for service. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A

sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

[Statutory Authority: RCW 80.01.040. 85-21-025 (Order R-243, Cause No. U-85-35), § 480-120-066, filed 10/10/85; Order R-25, § 480-120-066, filed 5/5/71.]

WAC 480-120-071 Line extension policy. All utilities shall have on file as part of their established tariff, a line extension schedule stating the terms and conditions under which extensions of its lines and services will be made to render service to applicants.

[Order R-25, § 480-120-071, filed 5/5/71. Formerly WAC 480-120-170.]

WAC 480-120-076 Underground. Each telephone utility shall set forth in its tariff its conditions for providing underground facilities.

[Order R-25, § 480-120-076, filed 5/5/71.]

WAC 480-120-081 Discontinuance of service. (1) By subscriber - a subscriber shall be required to give notice to the telecommunications company of his intention to discontinue service.

(2) By telecommunications company - service may be discontinued by the telecommunications company for any of the following reasons:

(a) For the nonpayment of bills. The telecommunications company shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the telecommunications company's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff or pricelist of the telecommunications company. Nonpayment of charges billed by the telecommunications company on behalf of information providers shall not be grounds for discontinuance of service in whole or in part. Nonpayment of interexchange carrier charges shall not be grounds for disconnection of local service. However, the telecommunications company may toll restrict a subscriber's service for nonpayment of proper interexchange carrier charges. Disputed third party billed charges shall not be grounds for disconnection of service in whole or in part.

(e) For violation of rules, service agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the telecommunications company's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the telecommunications company may discontinue service without notice: *Provided, however,* That if the subscriber

shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the telecommunications company shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the telecommunications company may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the telecommunications company in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) When a local exchange telecommunications company has caused to totally disconnect or has totally disconnected a residential service, it shall postpone disconnection of local service or shall reinstate local service after receiving either verbal or written notification of the existence of a medical emergency for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of local service.

(a) The local exchange company may require that the subscriber within five business days submit written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of the subscriber, a member of the subscriber's family or another permanent resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

(i) The name of the resident whose health would be affected by the disconnection of local service;

(ii) The relationship to the subscriber;

(iii) A description of the health condition;

(iv) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(v) A statement of how long the condition is expected to last; and

(vi) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a subscriber from paying delinquent and ongoing charges. The company may require that the subscriber do the following within the five business day grace period: Pay a minimum of twenty-five percent or ten dollars of the delinquent balance, whichever is greater; and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the subscriber to pay more than this subsection prescribes. The company shall send a notice confirming the payment arrangements within two business days.

(c) If within the five-day grace period the subscriber fails to provide acceptable certification or fails to make payment or enter into an acceptable payment arrangement, the company may disconnect local service without further notice.

(d) If the subscriber fails to abide by the terms of the payment agreement the company may disconnect local service following notification provided for in subsection (5)(b) of this section.

(e) The medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than six months without renewal.

(4) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff or pricelist of the company.

(5) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no telecommunications company shall discontinue service unless the following conditions are met:

(a) Each telecommunications company shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(b) Before effecting disconnection of service, a telecommunications company shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the telecommunications company shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's service telephone number. A log or record of the attempts shall be maintained by the telecommunications company showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when:

(i) The company has had cause in any two previous billing periods during a consecutive twelve-month period to attempt such contact; and

(ii) The company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the telecommunications company to resolve any differences. All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the telecommunications company cannot reestablish service on the same or following day.

(d) When a telecommunications company employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the telecommunications company shall be permitted to assess a reasonable fee as provided for in the tariff of the telecommunications company for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the telecommunications company has reasonable grounds to believe service is to other than the subscriber of record, the company shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the telecommunications company upon referral of a complaint to a company supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the telecommunications company may, upon authorization from the commission, disconnect service. A subscriber

whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

(6) Payment of any delinquent amount to a designated payment agency of the telecommunications company shall constitute payment to the company, if the subscriber informs the company of such payment and the company verifies such payment.

(7) Service shall be restored when the causes of discontinuance have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff or pricelist of the telecommunications company; or as the commission may order pending resolution of any bona fide dispute between the telecommunications company and the subscriber or applicant over the propriety of disconnection.

(8) A telecommunications company may make a charge for restoring service when service has been discontinued or toll restricted for nonpayment of bills. The amount of such charge is to be specified in the telecommunications company's tariff or pricelist.

When service is disconnected for nonpayment of a bill it may be either completely disconnected, toll restricted or partially disconnected. Toll restriction must allow access to emergency numbers such as 911. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

[Statutory Authority: RCW 80.01.040, 95-05-003 (Order R-426, Docket No. UT-941642), § 480-120-081, filed 2/1/95, effective 3/4/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-081, filed 9/22/94, effective 10/23/94; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-081, filed 8/23/85. Statutory Authority: RCW 80.04.060, 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-081, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71. Formerly WAC 480-120-140 and 480-120-150.]

WAC 480-120-087 Telephone solicitation. (1) As used in this section, "telecommunications company" is limited to telecommunications companies providing local exchange telephone service.

(2) Telecommunications companies shall notify their customers of their rights under chapter 277, Laws of 1986, with respect to telephone solicitation. Notice shall be provided by conspicuous publication of the notice in the consumer information pages of local telephone directories. The notice shall clearly inform subscribers of their rights under the law and shall, at a minimum, include the following information:

(a) Under Washington law residential subscribers have the right to keep telephone solicitors from calling back. A solicitor is someone who calls you to ask you to buy something or donate something.

(b) The law requires that solicitors identify themselves, their company or organization, and the purpose of the call within the first thirty seconds. If at anytime during the conversation you say you do not want to be called again or

want to have your name and number removed from the calling list, the company or organization may not have a solicitor call you for at least one year and may not sell or give your name and number to another company or organization.

(c) The attorney general's office is given the authority to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the suit is successful, the individual will be able to recover money spent on court and attorney's fees.

To file a complaint, or request more information on the law, please write to the Fair Practices Office listed below, or between 12:00 noon and 5:00 p.m., weekdays, call the Attorney General's Office, Fair Practices Division, at its toll-free number: 1-800-551-4636. If you are filing a complaint, please include as much information as possible about the name and address of the company or charity, the time you received the calls, and the nature of the calls.

Attorney General's Office
900 Fourth Avenue, Suite 2000
Seattle, Washington 98164

[Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-120-087, filed 9/1/92, effective 10/2/92; 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-087, filed 11/17/86.]

WAC 480-120-088 Automatic dialing-announcing devices. An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:

(1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or

(2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:

(a) States the nature and length in minutes of the recorded message; and

(b) Identifies the caller and the individual, business, group, or organization for whom the call is being made and a telephone number to which a return call can be placed; and

(c) Asks the called party whether he or she is willing to listen to the recorded message; and

(d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message; or

(3) Except for purposes of commercial solicitation, an ADAD may be used if the recorded message:

(a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and

(b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(4) An emergency ADAD may be connected to the telephone network only under the following conditions:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.

(d) The ADAD satisfies applicable state safety requirements.

(e) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument: *Provided*, That the user shall not program the instrument to dial police or 911 emergency response numbers.

(5) As to any ADAD, provision must be made to preclude the dialing of unlisted telephone numbers and the dialing of designated public service emergency telephone numbers as listed in published telephone directories and to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.

Before any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the telecommunications company in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.

The telecommunications company shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a telecommunications company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

Except for an ADAD designed to deliver a message in response to an emergency situation, no ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to unlisted telephone numbers, to designated public service emergency numbers, or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.

The telecommunications company shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given eight business days' notice or with no prior notice if use of the ADAD creates overloading in a telecommunications company switching office.

[Statutory Authority: RCW 80.01.040. 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-088, filed 11/17/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-088, filed 11/7/85. Statutory Authority: RCW 80.01.040. 84-09-054 (Order R-212, Cause Nos. U-83-51 and U-83-56), § 480-120-088, filed 4/17/84. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-088, filed 2/28/79.]

WAC 480-120-089 Information delivery services.

(1) "Information delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

(2) "Information providers" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information delivery service.

(3) "Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(4) Telecommunications companies offering information delivery services shall provide to each residential telephone subscriber the opportunity to block access to all information delivery services offered through the local exchange company. The first such request shall be fulfilled at no charge to the subscriber. Subsequent requests for blocking (e.g., after a subscriber has unblocked such access) must be afforded, but a charge may be assessed. This charge for blocking shall cover its fully allocated costs, and shall be tariffed.

(5) To insure that all costs of complying with chapter 123, Laws of 1988, shall be borne by the information providers, the telecommunications company offering information delivery services shall:

(a) File with the commission an annual report showing all expenses related to compliance with the section, and related to provision of information delivery services. Expenses include, but are not limited to, the expense of conducting a cost study to determine the appropriate charge for blocking, provision of customer notification of the availability of blocking, and the expense of developing accounting procedures to comply with this section.

(b) The annual report shall fully allocate all investment associated with complying with this section, and associated with provision of information delivery service, and;

(c) Report all information delivery service and blocking service revenues as separate revenue items.

(6) The local exchange company shall inform residential telephone subscribers of the availability of the blocking service through a single-topic bill insert and through publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The notice and bill insert shall clearly inform residential telephone subscribers of their rights under the law and shall, at a minimum, include the following information:

(a) Under Washington law you have the right to request free blocking of access to information delivery services on your residential telephone line. Information delivery services are services provided for a fee by telephone recorded messages, or other information services which you get by using a special telephone number. These special telephone numbers are often called "976" or "960" numbers. Blocking is the way that you can prevent these types of calls from being made on your residential telephone line.

(b) You are entitled to free blocking on your residential telephone line the first time you request it. If you later decide to "unblock," you can do so, but you may be charged for any blocking after that.

(c) To request blocking of access to information delivery services on your residential telephone line, call your local telephone company at the following number:, and request blocking.

(d) The Washington utilities and transportation commission is given the authority to enforce this law. If you want more information, please write to the commission at the address listed below, or call the commission during working hours at its toll-free number: 1-800-562-6150.

Washington Utilities and Transportation
Commission
Consumer Affairs Section
1300 South Evergreen Park Drive S.W.
Olympia, WA 98504

[Statutory Authority: RCW 80.01.040. 88-18-011 (Order R-288, Docket No. U-88-1798-R), § 480-120-089, filed 8/26/88, effective 10/1/88.]

WAC 480-120-091 Farmer lines. Each utility furnishing switching service for farmer lines shall file with the commission reasonable rules and regulations covering conditions under which the utility will connect a farmer line to its facilities and perform switching service. These rules shall provide reasonable regulations covering the maintenance of such lines and equipment as may be required to prevent an adverse effect on the general character of service rendered by the utility. Such rules may provide for the discontinuance of service to an entire line when repairs are required: *Provided, however,* Such action may be taken only after written notice of intent to discontinue service has been given to the owners or their representatives: *And provided further,* That if there be danger to life or property such notice may be disregarded. The notice of discontinuance when given, shall specify the particular condition to be corrected. A reasonable period of time shall elapse after issuing a written notice before discontinuance of service.

[Order R-25, § 480-120-091, filed 5/5/71. Formerly WAC 480-120-270.]

WAC 480-120-096 Grounded circuits. No additional telephone lines shall be constructed as single wire with ground return. All existing grounded telephone lines shall be converted to metallic or equivalent circuits.

[Order R-25, § 480-120-096, filed 5/5/71. Formerly WAC 480-120-280.]

WAC 480-120-101 Complaints and disputes. Any complaint or dispute involving a telecommunications company and a subscriber shall be treated in the following manner:

(1) Each complaint or dispute received by a telecommunications company shall be investigated promptly as required by the particular case, and the result reported to the applicant or subscriber. When circumstances indicate the need for corrective action, such action shall be taken as soon as possible.

(2) Each telecommunications company shall ensure that personnel engaged in initial contact with a dissatisfied or complaining applicant or subscriber shall inform the applicant or subscriber that if dissatisfied with the decision or the explanation that is provided, the applicant or subscriber has the right to have that problem considered and acted upon by supervisory personnel. The applicant or subscriber shall be provided with the name or department of such supervisory personnel and a telephone number by which they may be reached.

(3) Each telecommunications company shall ensure that supervisory personnel contacted by a dissatisfied applicant or subscriber shall inform a still-dissatisfied applicant or subscriber of the availability of the commission for further review of any complaint or dispute. The toll-free telephone number and address of the commission shall also be provided.

(4) All parties to a dispute between an applicant or subscriber and the telecommunications company shall have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-09-150 and/or a formal complaint pursuant to the provisions of WAC 480-09-420.

(5) When a complaint is referred to a telecommunications company by the commission, the utility shall, within 2 working days, report results of any investigation made regarding the complaint to the commission and shall keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, a utility may request an extension of time.

(6) Records - each utility shall keep a record of all complaints concerning the utility's service or rates. The record shall show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records shall be maintained in a suitable place readily available for commission review.

All written complaints made to a utility shall be acknowledged. Correspondence and records of complaints shall be retained by the utility for a minimum period of one year.

(7) Each telecommunications company shall ensure that it has personnel available during regular work days to address customer complaints or inquiries and to respond to

commission staff. Regular work days mean Monday - Friday, excluding official state holidays.

[Statutory Authority: RCW 80.01.040, 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-101, filed 9/22/94, effective 10/23/94; Order R-86, § 480-120-101, filed 6/30/76; Order R-25, § 480-120-101, filed 5/5/71. Formerly WAC 480-120-180.]

WAC 480-120-106 Form of bills. Bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the alternate operator service company's billing agent and, where feasible, within ninety days after the effective date of this rule, the provider of the alternate operator service and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address where they can write to question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall in turn, upon receiving it, provide a copy of this list to the commission for its review whenever a carrier is added or deleted.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-106, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-106, filed 1/31/89. Statutory Authority: RCW 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71. Formerly WAC 480-120-210.]

WAC 480-120-116 Refund for overcharge. Overcharges by a telephone utility to a subscriber shall be refunded to the subscriber retroactive to such time as the overcharge was applied or to the time such overcharge can be documented either by the utility or the subscriber.

[Order R-25, § 480-120-116, filed 5/5/71.]

WAC 480-120-121 Responsibility for delinquent accounts. A utility shall not refuse or discontinue service to an applicant or subscriber, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or subscriber, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.

[Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-121, filed 9/18/79; Order R-25, § 480-120-121, filed 5/5/71. Formerly WAC 480-120-160.]

WAC 480-120-126 Safety. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

Extreme vigilance shall be exercised to prevent the accumulation of trash and other fire hazards in or upon central office premises.

The storage of flammable and/or combustible materials in central office equipment spaces is prohibited.

[Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-126, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-126, filed 5/5/71. Formerly WAC 480-120-310.]

WAC 480-120-131 Reports of accidents. Each utility shall give prompt notice to the commission of every accident resulting in death or serious injury to any person, employee or member of the public occurring in its plants or through contact with any of its facilities. The report shall give the name of the person, extent of injuries, place of accident and brief explanation of same, and shall be verified in writing if not originally reported by letter.

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[Order R-25, § 480-120-131, filed 5/5/71. Formerly WAC 480-120-320.]

WAC 480-120-136 Preservation of records. (1) "Volume X, Part 42, *Preservation of Records of Communication Common Carriers*" adopted and published by the FCC effective January 1, 1991, is hereby prescribed as the preservation of records requirements of telephone utilities in the state of Washington.

(2) All records and reports required by these rules shall be retained on file in the office of the utility or in such other place as may be approved by the commission, for such time as is specifically provided in paragraph (1) and where no time is specified, for a period of three years.

(3) No records shall be destroyed prior to the expiration of such time or period specified in paragraphs (1) and (2) above, except by prior written permission of this commission.

[Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-136, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-136, filed 5/5/71. Formerly WAC 480-120-080 and 480-120-190.]

WAC 480-120-137 Customer-owned pay telephones—Interstate. Every telecommunications company operating an exchange within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for interstate communications. When such service is requested every such telecommunications company shall file tariffs with the commission which shall allow the connection of customer-owned pay telephones to the interstate network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code as those rules, regulations, and codes appear effective January 1, 1991.

(2) The caller will be able to access the operator and 911 where available without the use of a coin.

(3) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

[Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-137, filed 4/15/91, effective 5/16/91; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-137, filed 9/20/85.]

WAC 480-120-138 Pay telephones—Local and intrastate. Every telecommunications company operating an exchange within the state of Washington may allow pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission setting rates and conditions applicable to the

connection of pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, collect, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations. The term does not include in-room telephones provided by hotels, motels, hospitals, campuses or similar facilities for the use of guests or residents.

For purposes of these rules, the term "subscriber" is defined as a party requesting or using a public access line for the purpose of connecting a pay telephone to the telephone network.

(1) Pay telephones connected to the company network must comply with Part 68 of the Federal Communications Commission rules and regulations and the National Electric Code and National Electric Safety Code as they existed on January 1, 1991, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access the operator and 911 where available without the use of a coin.

(4) The charge for each directory assistance call paid by the consumer shall not exceed the prevailing per call charge for comparable directory assistance. In the absence of persuasive contrary evidence, the charge of U S WEST Communications for intraLATA directory assistance or AT&T for interLATA directory assistance shall be accepted as the prevailing charge. A location surcharge is not permitted.

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted on each pay telephone.

(6) Information consisting of the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) The method by which the consumer may obtain without charge an accurate quotation of rates, fees and surcharges; and

(b) The notices required by WAC 480-120-141(4).

In no case will the charges to the user exceed the quoted costs.

(7) The telephone number of the pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All pay telephones must provide access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply, where available, (a) restriction which prevents fraud by selective blocking of 10XXX 1+ codes and (b) call screening to identify the line as one to which charges may not be billed, at appropriate tariffed rates.

(11) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) Pay telephones shall be connected only to public access lines in accordance with the approved tariffs offered by the local exchange company. Local exchange company pay telephones are not subject to this requirement.

(13) A subscriber must order a separate pay telephone access line for each pay telephone installed. Extension telephones may be connected to a pay telephone access line when the instrument:

(a) Prevents origination of calls from the extension station; and

(b) Prevents third party access to transmission from either the extension or the pay telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to pay telephone service, or other requirements contained in these rules, including interexchange carrier access requirements, will subject the pay telephone to disconnection of service as follows. When the local exchange company becomes aware of a violation, prior to disconnection of service, it shall immediately send written notification to the subscriber outlining all deficiencies. If any deficiency is not corrected within five days from the date of written notification to the subscriber, the local exchange company shall discontinue service. Prior to effecting the disconnection of service, the local exchange company shall make two bona fide attempts to reach the subscriber by telephone to advise the subscriber of the impending disconnection. WAC 480-120-081 shall not apply to such disconnections. The local exchange company shall ensure that any costs associated with the field visits for public access lines services be recovered from the subscriber of the public access line service in question.

It shall be the responsibility of every local exchange company to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local exchange company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local exchange company to provide free of charge one current telephone directory each year for each public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.

Public access lines will be charged at rates according to the relevant tariff as approved by the commission.

(19) Disconnection of, or refusal to connect, a pay telephone for violation of these rules may be reviewed by the commission in a formal complaint under WAC 480-09-420(5) through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

[Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-138, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-138, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040. 90-08-010 (Order R-316, Docket No. U-89-3323-R), § 480-120-138, filed 3/23/90, effective 4/23/90; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-138, filed 9/20/85.]

WAC 480-120-141 Alternate operator services. All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission.

(1) Each alternate operator services company shall maintain, revise and provide to the commission upon request a current list of operator services customers which it serves and the locations and telephone numbers to which such service is provided to each customer. A customer list provided pursuant to this rule is proprietary information and, if identified when filed as required in WAC 480-09-015, is subject to the protections of that rule.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company.

(a) The AOS company shall withhold on a location-by-location basis the payment of compensation, including commissions, from a call aggregator, if the AOS company reasonably believes that the call aggregator is blocking access to interexchange carriers in violation of these rules.

(b) Violations of tariff, contract or other statements of conditions of service, in commission rules pertaining to AOS company service, or of other requirements contained in these rules, including interexchange carrier access requirements, will subject an aggregator to termination of alternate operator services as follows. When the AOS becomes aware of a violation, prior to disconnection of service, it shall immediately send written notification to the aggregator outlining all deficiencies. If any deficiency is not corrected within five days from the date of written notification to the aggregator, the AOS shall terminate service. Prior to effecting the termination of service, the AOS company shall make two bona fide attempts to reach the subscriber by telephone to advise the subscriber of the impending termination. WAC 480-120-081 shall not apply to such terminations.

(c) AOS company actions in furtherance of this rule may be reviewed by the commission in a formal complaint under WAC 480-09-420 through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

(d) An AOS company shall refuse to provide operator services to a call aggregator who the commission has found to have knowingly and repeatedly violated commission rules regarding the provision of alternate operator service until the commission has found that the call aggregator will comply with relevant law and rule.

(3) For purposes of this section, "consumer" means the party initiating and/or paying for an interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, pay telephone, etc., contracting with an AOS for service.

(4) An alternate operator services company shall require, as a part of any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger **Stymie Bold** type, the information provided in the following notice:

SERVICE ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator without charge to receive specific rate information; and

(iii) Directions to allow the consumer to reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide access from every instrument to 1-800 services and all available interexchange carriers; and

(d) Shall post, on or near the instrument, a notice stating whether a location surcharge or any other fee is imposed for telecommunications access through the instrument, the amount of any fee or location surcharge, and the circumstances when it will apply.

(e) Posting under these rules shall begin no later than October 1, 1991, and shall be completed no later than January 31, 1992. In the interim, posting in compliance with the immediate prior posting provisions of WAC 480-120-141 is required and shall constitute compliance with this rule.

(5) The alternate operator services company shall:

(a) Identify the AOS company providing the service audibly and distinctly at the beginning of every call, and again before the call is connected, including an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(ii) The message used by the AOS company shall state the name of the company as registered with the commission whenever referring to the AOS company. Terms such as "company," "communications," "incorporated," "of the northwest," etc., when not necessary to clear consumer identification of the entity providing service may be omitted when authorized by letter from the secretary of the commission.

(iii) The consumer shall be permitted to terminate the telephone call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer:

(A) A quote of the rates or charges for the call, including any surcharge;

(B) The method by which the rates or charges will be collected; and

(C) The methods by which complaints about the rates, charges, or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the AOS company shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange carriers, does not exceed one percent in the time consistent busy hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to determine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heavy traffic, such as national emergency, local disaster, holidays, etc.

(6) The alternate operator services company shall assure that persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

(7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities:

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the consumer dials zero (0) and no other digits within five seconds shall be routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

(8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and disputes.

(9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; surcharges; variable rates.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability, technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by US WEST Communications for

intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than those prevailing charges in the relevant market - intraLATA or interLATA - will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary evidence, \$0.25 higher per call than AT&T daytime charges for intraLATA and interLATA service will be accepted as the prevailing charges.

(c) Surcharges; variable rates. No location surcharge may be added to without-charge calls nor to a charge for directory assistance. No tariff may provide for rate levels which vary at the option of a call aggregator, provided, that an aggregator may waive application of the surcharge to calls from its instruments, and provided further, that an AOS company may establish a tariff rate for high-cost locations if the conditions for application of the rate confine it to locations with substantially higher than average operating costs.

(11) Rates to the consumer for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services in the relevant market - intraLATA or interLATA - unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, \$0.25 higher per call than AT&T daytime charges for intraLATA and interLATA service will be considered the prevailing rate.

(12) Fraud prevention.

(a) A company providing interexchange telecommunications service may not bill a call aggregator for charges billed to a line for calls which originated from that line through the use of 10XXX+0; 10XXX+01; 950-XXXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications service may not bill to a call aggregator any charges for collect or third number billed calls, if the line serving to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

(c) Any calls billed through the local exchange carrier in violation of subparagraphs (a) or (b) above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the interexchange telecommunications company as not billable.

(d) Any call billed directly by an alternate operator service company, or through a billing method other than the local exchange company, which is billed in violation of subparagraphs (a) and (b), above, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening which would have protected the call, which is offered by the LEC and was subscribed to by the call aggregator, was not

operational at the time the call was placed, the AOS company shall bill the LEC for the call.

[Statutory Authority: RCW 80.01.040. 95-10-039 (Order R-430, Docket No. UT-950134), § 480-120-141, filed 4/28/95, effective 5/29/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-141, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-20-162 (Order R-348, Docket No. UT-910828), § 480-120-141, filed 10/2/91, effective 11/2/91; 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-141, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-141, filed 1/31/89.]

WAC 480-120-142 Alternate operator services—Enforcement. Alternate operator service companies are subject to all pertinent provisions of law. Minimum service levels include compliance with the following provisions: chapter 80.36 RCW sections .080, .090, .100, .110, .120, .130, .140, .145, .150, .160, .170, .180, .183, .186, .190, .200, .220, .225, .230, .240, .250, .260, .350, .510, .520, .522, .524, and .530; and chapter 480-120 WAC sections -011, -016, -026, -031, -032, -036, -041, -046, -051, -056, -057, -061, -081, -086, -106, -116, -121, -126, -131, -136, -138, and -141.

(a) Suspension. The commission may suspend the registration of any company providing alternate operator services if it fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW.

(i) Suspension may be ordered following notice and opportunity for hearing as provided in RCW 80.04.110 and the procedural rules of the commission.

(ii) It shall be a further violation of rule for any AOS company to operate while its registration is suspended.

(iii) Except as required by federal law, no local exchange company may provide service, other than basic business service not subject to resale, to any AOS company whose registration is suspended.

(b) Penalty. The commission may assess a penalty as provided in RCW 80.36.522 and 80.36.524, upon any company providing alternate operator services if the company fails to meet minimum service levels or fails to provide disclosure to consumers of protection available under chapter 80.36 RCW.

(c) Alternatives. The commission may take any other action regarding a provider of alternate operator services as authorized by law.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 90-24-090 (Order R-332, Docket No. UT-900733), § 480-120-142, filed 12/5/90, effective 1/5/91.]

WAC 480-120-143 Local service to aggregators. The local exchange company's tariff shall provide that every aggregator offering local calls on a per-call basis must provide without-charge access to 911, where available, and to the local exchange company operator.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-143, filed 6/18/91, effective 7/19/91.]

WAC 480-120-340 9-1-1 Obligations of local exchange companies. (1) Every local exchange company shall provide the capability to identify the location of

individual telephone stations at private branch exchanges (PBXs) or similar equipment served by enhanced 9-1-1 service, where the PBX or similar equipment generates and forwards appropriate number identification information, as follows:

(a) For exchanges with enhanced 9-1-1 on the effective date of this section, no later than September 1, 1992.

(b) For other exchanges, no later than one hundred eighty days prior to the date that such enhanced 9-1-1 service is available, but no earlier than September 1, 1992.

(2) No later than May 1, 1992, every local exchange company shall file with the commission a detailed plan specifying the following:

(a) The provisioning method the company has chosen to comply with the requirement in subsection (1) above, including equipment, facilities, software, or other technology, and the rationale for selecting such technology;

(b) The anticipated costs of providing the chosen provisioning method and technology.

(3) No later than September 1, 1992, every local exchange company offering 9-1-1 services shall file with the commission tariffs and supporting cost studies which specify the charges and terms for 9-1-1 services, including enhanced 9-1-1 services.

[Statutory Authority: RCW 80.01.040. 92-03-049 (Order R-365, Docket No. UT-911238), § 480-120-340, filed 1/10/92, effective 2/10/92.]

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 480-120-400 Purpose. The purpose of WAC 480-120-400 through 480-120-435 is to set forth the standards and procedures under which the commission will consider the creation of new extended area service routes. The commission finds that the creation of extended area service routes is in the public interest, where the establishment of those routes meets the standards set forth in WAC 480-120-400 through 480-120-435. The commission further finds that where extended area service is offered by operation of WAC 480-120-400 through 480-120-435, it is a local exchange calling service.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-400, filed 1/14/91, effective 2/14/91.]

WAC 480-120-405 Definition of extended area service. (1) As used in this chapter, "exchange" shall be as defined in WAC 480-120-021.

(2) As used in this chapter, "extended area service" means mandatory, two-way local calling service between exchanges that provides the ability to call from one exchange to another exchange without incurring a toll charge.

(3) As used in this chapter, "embedded extended area service routes" means those extended area service routes which exist prior to the effective date of WAC 480-120-400 through 480-120-435.

(4) As used in this chapter, "local calling capability" means the percent of the total intrastate intraLATA minutes originating in an exchange that terminates within the local calling area, except where an interLATA extended area service route is proposed, in which case "local calling capability" means the percent of total intrastate minutes originating in an exchange that terminates within the local calling area. In calculating the local calling area, the local exchange company shall treat calling by foreign exchange subscribers as toll calling.

[Statutory Authority: RCW 80.01.040. 96-23-070 (General Order No. UT-960687, General Order No. R-438), § 480-120-405, filed 11/20/96, effective 12/21/96. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-405, filed 1/14/91, effective 2/14/91.]

WAC 480-120-410 Local calling capability. (1) For each exchange whose local calling capability is below eighty percent the local exchange company shall identify extended area service routes to improve the local calling capability. The company shall consider those routes where, based on a three-month average, at least 50% of the customers of the qualifying exchange make two or more intraLATA toll calls per month to the other exchange. In determining whether an exchange meets these criteria, the company shall include relevant foreign exchange calling.

The commission may waive these criteria if it determines that it is in the public interest.

(2) In determining which exchanges to incorporate into an expanded local calling area, the local exchange company shall consider at least the following:

(a) The most frequently called exchange;

(b) The exchange to which there is the widest distribution of residential calling;

(c) Exchanges that are contiguous to the local calling area of the exchange.

(3) Companies may propose extended area service for exchanges that do not qualify under the 80% threshold established in this rule. Except for routes that form part of a two-way EAS with qualifying exchanges, such routes will be considered outside of the revenue recovery provisions of this rule and will not be eligible for support from the community calling fund.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-410, filed 1/14/91, effective 2/14/91.]

WAC 480-120-415 Determination of extended area service routes. (1) On or before March 31, 1991, and each five years thereafter, each local exchange telecommunications company shall file a study of each of its exchange(s)' local calling capability.

(2) The local exchange company shall notify the commission and the other affected local exchange companies (if the other exchange(s) is (are) served by another local exchange company) and the designated intraLATA toll carrier, of the existence of potential extended area service routes to expand local calling capability. The commission and the involved company(ies) shall review and set priorities for the potential extended area service routes.

(3) On or before June 30, 1991, and each five years thereafter, a company shall file a schedule with priorities for engineering studies to establish extended area service routes, if any, which meet the criteria of WAC 480-120-410.

(4) The affected companies shall thereafter develop a proposed schedule to establish individual extended area service routes. The schedule shall include a timetable for engineering studies and a proposed date to file an extended area service tariff, or a petition for waiver from the requirement to establish the extended area service route for the study exchanges. The companies shall make a good faith effort to arrive at an agreed upon schedule for implementation of the route(s) and shall share with each other all necessary data to arrive at a mutually agreeable schedule. The schedule to establish an extended area service route or routes shall be deemed to be a petition under WAC 480-09-420. Each petition for an extended area service route or routes shall be docketed separately.

(5) If a proposed schedule cannot be agreed to by all affected companies, the commission will establish a schedule after giving an opportunity for all affected companies to be heard. If the companies present an agreed upon schedule, the commission will approve it, unless the commission finds it requires change for good reason, based upon a record.

(6) Within thirty business days after completion of the engineering study, the local exchange company or companies shall file with the commission a schedule indicating the dates at which the following will be completed: A cost estimate; a revenue requirement; a proposed tariff; and an implementation date for the tariff.

(7) Where an extended area service route affects more than one local exchange company, each company shall prepare and file its own tariff and supporting documentation.

Such tariffs are subject to suspension pursuant to the rules of the commission.

(8) At the time it files its proposed tariff, the local exchange company or companies shall notify their affected customers of the proposed changes in a form substantially similar to the notice prescribed by WAC 480-80-125.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-415, filed 1/14/91, effective 2/14/91.]

WAC 480-120-420 Revenue requirements and rate design. (1) The change in revenue requirement associated with (a) new extended area service route shall be calculated as the net of all cost and revenue changes for access, toll, if applicable, and engineering and plant costs. Nontraffic sensitive (carrier common line charges) access revenue reductions shall not be included in the calculation to the extent that the inclusion would reduce the nontraffic sensitive cost allocation below the percentage prescribed by the commission in Cause No. U-85-23 et al. or any subsequent access cost proceeding.

(2) The revenue requirement calculated according to subsection (1) of this section shall be recovered as follows:

(a) Rates for customers in exchanges that receive additional local calling area may include an increment of up to \$3.50 per residential single party access line per month. The increment should bear a reasonable relationship to the increase in the local calling area.

(b) Any remaining revenue requirement for the new local calling areas shall be recovered from current earnings, if appropriate, and then from all of a company's local exchange rates. If a local exchange company rejects this procedure, the commission reserves the right to file a complaint against the company's rates and services.

(c) For companies eligible for assistance from the community calling fund established by WAC 480-120-425, any revenue requirement remaining after local rates in each exchange have been increased up to a limit of \$12.50 exclusive of any increment charged pursuant to paragraph (2)(a) of this section per single party residential access line per month shall be recovered from the fund.

(d) All residential and business local rates are subject to the changes described in this section. The references to residential rates are for bench mark purposes. The increases for other local rates may be more or less than those amounts, depending on the rate design approved by the commission in each case.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-420, filed 1/14/91, effective 2/14/91.]

WAC 480-120-425 Community calling fund. (1) A community calling fund is hereby created in order to transition and cushion the local rate effect of new extended area service on the customers of small local exchange companies. The community calling fund shall be administered by the Washington Exchange Carriers Association (WECA). WECA shall annually report and supply to the commission and all local exchange companies the status of the fund including the amount drawn by each recipient from the community calling fund.

(2) The community calling fund is to be funded by a charge based on all exchange access lines in the state of Washington.

(3) WECA shall annually calculate the amount required from the fund and local exchange companies may file a tariff to cover the charge calculated by WECA. If in an annual period the fund is excess to requirements, the surplus shall be adjusted for the next annual period to reflect the revenue requirement to be funded by the charge. If at any time the revenue from the community calling fund charge is insufficient to cover eligible draws from the fund, WECA may seek an upward revision to the charge. Until such a new rate is approved by the commission and in effect, recipients from the fund shall be supported on a pro rata basis.

(4) If a local exchange company that serves fewer than one hundred fifty thousand access lines has proposed the local rate increases required by WAC 480-120-420; has a separated, intrastate rate of return of less than or equal to 11.13 percent or its authorized rate of return, whichever is less; and has increased local rates to the maximum reasonable level pursuant to WAC 480-120-420(2), the local exchange company is eligible for support from the community calling fund. A local exchange company applying for support shall supply data to the commission to audit rate of return eligibility on an annual basis.

(5) The community calling fund shall be reviewed in 1996 to determine if the fund should be terminated on January 1, 1997, and if terminated, any remaining funds shall be returned on a pro rata basis to all local exchange customers in the state via bill credits.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-425, filed 1/14/91, effective 2/14/91.]

WAC 480-120-430 Impact on current compensation arrangements. WAC 480-120-400 through 480-120-435 do not impact current compensation arrangements for embedded extended area service routes and those compensation arrangements may continue according to their terms. However, any local exchange company may petition the commission for support from the community calling fund for an embedded extended service route and if that petition is granted, any compensation arrangement for that route shall be terminated at the time community calling fund support is provided. The petition shall be filed and served upon interested parties and shall be accompanied by a petition to reopen the proceeding that established the current compensation arrangement. In considering any such petition, the commission will be guided by the eligibility standards of WAC 480-120-400 through 480-120-435, but will not be bound by them if the record supports the desirability of funding from the community calling fund in lieu of the current compensation arrangements.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-430, filed 1/14/91, effective 2/14/91.]

WAC 480-120-435 Petition for waiver. Upon petition, the commission may waive WAC 480-120-400 through 480-120-435 or any part.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-435, filed 1/14/91, effective 2/14/91.]

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) At least once every twenty-four hours, each local exchange company and each interexchange telecommunications company owning, operating, or maintaining any portion of any dedicated 911 circuit shall manually test for continuity such portion of the 911 circuit which it owns, operates, or maintains; provided, however, that the foregoing requirement shall not apply to any dedicated 911 circuit, or portion thereof, with respect to which either (a), (b), or (c) of this subsection, or any combination thereof, is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity; or

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours. Any dedicated 911 circuit found to be defective shall be immediately reported to the primary public safety answering point (PSAP) manager, and repairs shall be undertaken promptly and pursued diligently by the telecommunications company which has responsibility for operating and/or maintaining the circuit. Nothing in this section shall be construed to require any telecommunications company to test or repair any portion of any dedicated 911 circuit which is not owned, operated, or otherwise maintained by it.

(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. 95-09-002 (Order R-428, Docket No. UT-941292), § 480-120-530, filed 4/6/95, effective 5/7/95; 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 480-121 WAC

REGISTRATION OF TELECOMMUNICATIONS COMPANIES

WAC

480-121-010	Filing of registration application.
480-121-020	Number of copies.
480-121-030	Additional information.
480-121-040	Grant or denial of registration.
480-121-050	Form.

WAC 480-121-010 Filing of registration application.

Applications shall be filed at the office of the commission in Olympia, Washington, by mail or in person, and shall be signed by the applicant or its attorney, dated, and verified. Applications will be assigned a number, and all additional exhibits and data thereafter filed, and correspondence in connection with the application, should bear that number.

Applications shall be in the form prescribed by WAC 480-121-050, and shall in all respects adhere to the rules set out herein. Applications not in substantial compliance with these rules may be rejected by the commission and returned to the applicant.

[Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-010, filed 9/19/85.]

WAC 480-121-020 Number of copies. Applicant shall file with the commission an original application and such additional copies as the commission may require.

[Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-020, filed 9/19/85.]

WAC 480-121-030 Additional information. The commission may at its discretion require the production of data and information to supplement that contained in the application. Unless a different time is specified, such information shall be provided within ten days of the request.

[Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-030, filed 9/19/85.]

WAC 480-121-040 Grant or denial of registration. As a condition to registration, with or without hearing, an applicant must clearly show that:

- (1) Applicant possesses adequate financial resources to provide the proposed service;
- (2) Applicant possesses adequate technical competence to provide the proposed service; and
- (3) Applicant has procured and will maintain:
 - (2) A performance bond satisfactory to the commission sufficient to cover any customer advances or deposits; or
 - (b) Provision has been made for deposit of customer advances or deposits in a federally insured interest bearing trust account maintained by applicant solely for customer advances or deposits, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington, with access to such funds only for the purpose of applying an amount to a delinquent bill in accordance with commission deposit rules, or for the purpose of refunding advances or deposits to customers. In any order granting certification, the commission may require either bond or trust account or escrow as a condition.

Such application may be granted without hearing upon a determination by the commission that the application is consistent with the public interest, and that applicant meets financial and technical requirements, and has provided adequately for the protection of customer advances or deposits, or the application may be set for hearing in accordance with notice issued by the commission. If, upon hearing, the commission finds that registration is not consistent with the public interest, or that the applicant is not financially or [technically] [technical] able to provide the contemplated service or that customer advances or deposits cannot be adequately protected, it will deny the application.

The commission may deny an application for registration submitted by a company providing alternate operator services if, after hearing, the commission finds that the alternate operator services offered by the company or the charges for those services are not for the public convenience and advantage.

[Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 90-24-090 (Order R-332, Docket No. UT-900733), § 480-121-040, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-040, filed 9/19/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 480-121-050 Form. Applications for registration as a telecommunications company pursuant to the provisions of chapter 450, Laws of 1985, shall be submitted in the following form.

**APPLICATION FOR REGISTRATION
OF TELECOMMUNICATIONS COMPANY
FILED WITH THE
WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION
HIGHWAYS-LICENSES BUILDING, OLYMPIA, WA 98504**

IN THE MATTER OF
THE APPLICATION OF (here insert
name of applicant) FOR AN
ORDER authorizing the
registration of applicant
as a telecommunications
company

NO.
(Number to
be inserted
by secretary
of the
Commission)

Application is hereby made to the Washington utilities and transportation commission for an order authorizing (here insert name of applicant) to register as a telecommunications company pursuant to the provisions of chapter 450, Laws of 1985. The following general information and specific exhibits are furnished in support thereof:

GENERAL INFORMATION

1. Name of applicant.
 2. Address of principal office of applicant.
 3. Name and address of registered agent of applicant if any.
 4. State or states under which applicant is organized and form of organization (corporation, partnership, association, firm, individual, etc.). Date of organization and term or duration thereof.
 5. A general description of the property owned by applicant and the field of its operations.
 6. If a corporation, the names and addresses of the ten common stockholders of applicant owning the greatest number of shares of common stock and the number of such shares owned by each, as follows:
- | Name and Address | Shares Owned | Percentage of all Shares Issued & Outstanding | Percentage of Voting Control |
|---|--------------|---|------------------------------|
| 7. Names and addresses of the officers and directors of applicant. | | | |
| 8. Name and address of any corporation, association, or similar organization holding a 5% or greater ownership or a management interest in the applicant. As to ownership, the amount and character of the interest must be indicated. A copy of any management agreement must be attached. | | | |
| 9. Names and addresses of subsidiaries owned or controlled by applicant. | | | |

EXHIBIT A

Detailed description of the telecommunications services applicant intends to offer, designating geographic areas of operation, and the location of other areas in which applicant is providing or has provided service, either independently or in conjunction with any other telecommunications company.

EXHIBIT B

Current detailed balance sheet.

EXHIBIT C

Detailed income and profit and loss statement of applicant reflecting current and prior year balances for the twelve months ended as of the date of the balance sheet submitted as Exhibit B, or, if more readily available, for the period since the close of the preceding calendar year. If balance sheet and income statement are not available, applicant must submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed service.

EXHIBIT D

Latest annual report, if any.

EXHIBIT E

Detail of the type and quantity of equipment to be used in the operation, capacity and expected use of such equipment, the method of transmission (i.e., copper cable, microwave, fiber optic, etc.), and a map depicting the physical route of transmission.

EXHIBIT F

A commitment for issuance of a performance bond by a company authorized to do business in Washington to cover any advances or deposits, or a detailed description of the account to be maintained for customer deposits including the name of the depository and a copy of the deposit arrangement.

EXHIBIT G

Proposed initial tariff setting forth rates, rules and regulations applicable to the contemplated service.

EXHIBIT H

Such other facts, not set forth in preceding exhibits, as in the opinion of the applicant may be pertinent in support of the application.

WHEREFORE, the undersigned applicant requests that the Washington utilities and transportation commission, enter an order granting the application, in accordance with the provisions of chapter 450, Laws of 1985.

DATED at this day of, 19

(Applicant)

By
Title

STATE OF WASHINGTON

County of } ss.

., being first duly sworn, deposes and says that is (Title) of (name of applicant), the applicant in the proceeding entitled above, that has read the foregoing application and knows the contents thereof; that the same are true of knowledge, except as to matters which are therein stated on information or belief, and as to those matters believes them to be true.

Subscribed and sworn to before this day of, 19

Notary Public in and for the state of Washington, residing at

[Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-050, filed 9/19/85.]

Chapter 480-122 WAC
WASHINGTON TELEPHONE ASSISTANCE PROGRAM

WAC

- 480-122-010 Definitions.
480-122-020 Washington telephone assistance program rate.
480-122-030 Connection fees.
480-122-040 Deposit waiver.
480-122-050 Other charges.
480-122-060 Telephone assistance excise tax.
480-122-070 Recovery of costs.
480-122-080 Accounting.
480-122-090 Administration.

WAC 480-122-010 Definitions. For purposes of this chapter:

- (1) "Local exchange company" means a telecommunications company providing local exchange telecommunications service.
(2) "Department" means the department of social and health services.
(3) "Washington telephone assistance program" means:
(a) A discount on residential service connection fees of fifty percent;
(b) A waiver of the deposit on local residential exchange service;
(c) A discounted flat rate on one access line for local residential exchange service for eligible persons subscribing to the lowest available local exchange flat rate service, where that rate, including any federal end user access charge or other charge necessary to obtain local exchange service, is greater than the telephone assistance rate set by the commission. Where available, single-party service shall qualify as the lowest available flat rate for persons otherwise eligible, who are sixty years of age or older, or who receive medical assistance.
(4) "Eligible person" means an adult recipient of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes. The department shall notify the participants of their eligibility.
(5) "Eligibility period" means a one-year period of eligibility as certified by the department. The eligibility period shall run from July 1 through June 30 of the succeeding year.
(6) "Charge necessary to obtain local exchange service" means the charge for the lowest available grade of residential flat rate service, any federal end user access charge, any charge for nonoptional extended area service and any charge

for nonoptional mileage. It does not include any charge for customer premises equipment or any applicable taxes.

(7) "Switched access line" means a communication facility extending from a serving central office to a customer's premises to provide access to and from the switched telecommunications network for message toll service and local calling. When used with PBX or Centrex-CU a switched access line may also be referred to as a trunk.

(8) "Connection fees" means any service charge applicable to the connection of a switched access line to establish new service, but not including line extension charges or any delinquent balance owed to the local exchange company.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-010, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-010, filed 10/1/87.]

WAC 480-122-020 Washington telephone assistance program rate. The telephone assistance rate is eight dollars per month.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-020, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-020, filed 10/1/87.]

WAC 480-122-030 Connection fees. Eligible persons shall receive a fifty percent discount on service connection fees. Any connection fee discounts available from other programs shall be added to the telephone assistance discount, thus paying part or all of the remaining fee. The service connection fee remaining after application of the discount shall be payable in no fewer than three installments. A subscriber may choose to pay the connection fee in a lump sum. Eligible persons shall be allowed one connection fee discount per eligibility period.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-030, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-030, filed 10/1/87.]

WAC 480-122-040 Deposit waiver. A local exchange company shall waive the deposit on local exchange service for eligible persons. Eligible persons shall be allowed one deposit waiver per eligibility period.

[Statutory Authority: RCW 80.01.040, 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-040, filed 10/1/87.]

WAC 480-122-050 Other charges. No change of service charge shall be charged to an eligible subscriber for the establishment of service under the telephone assistance program.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-050, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-050, filed 10/1/87.]

WAC 480-122-060 Telephone assistance excise tax. Beginning November 1, 1992, local exchange companies shall collect a telephone assistance excise tax on all switched access lines of thirteen cents per month. Each party line subscriber shall be assessed the telephone assistance excise tax in full. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." Money collected from

the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

[Statutory Authority: RCW 80.01.040, 92-20-031 (Order R-377, Docket No. UT-920696), § 480-122-060, filed 9/28/92, effective 10/29/92; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-060, filed 9/11/90, effective 10/12/90; 89-11-020 (Order R-300, Docket No. U-89-2754-R), § 480-122-060, filed 5/11/89; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-060, filed 10/1/87.]

WAC 480-122-070 Recovery of costs. Local exchange companies shall recover to the maximum extent possible by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the telephone assistance fund administered by the department the following amounts:

(1) The difference between the telephone assistance rate specified in WAC 480-122-020 and the lowest available local exchange service flat rate, as specified in WAC 480-122-010 (3)(c);

(2) The discounted portion of the service connection fees;

(3) Applicable taxes not billed to the subscriber;

(4) Net uncollectibles directly resulting from the waiver of local exchange service deposits for eligible subscribers, provided that any partial payment collected for disconnected accounts shall be applied first to the payment of the local service bill; with the total for any account not to exceed two times the telephone assistance rate; and

(5) Administrative and program expenses incurred in offering the telephone assistance program, as authorized by the department.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-070, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-070, filed 10/1/87.]

WAC 480-122-080 Accounting. Local exchange companies shall maintain their accounting records so that expenses associated with the telephone assistance program can be separately identified. Only the unwaived portion of the federal end user access charge shall be shown on the ratepayer's bill.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-080, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-080, filed 10/1/87.]

WAC 480-122-090 Administration. (1) A local exchange company shall not extend telephone assistance program benefits to any person for any period prior to the earlier of:

(a) The date on which the local exchange company first receives from said person written evidence of his status as an eligible subscriber; or

(b) The date on which the local exchange company first receives confirmation from the department that said person is an eligible subscriber.

(2) A local exchange company shall not continue telephone assistance program benefits to any person for whom renewed certification has not been received by the company from the department beyond the expiration of the eligibility period for which the company has most recently received certification.

[Statutory Authority: RCW 80.01.040, 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-090, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-090, filed 10/1/87.]

**Chapter 480-140 WAC
COMMISSION GENERAL—BUDGETS**

WAC

- 480-140-010 Definitions.
- 480-140-020 Who must file.
- 480-140-030 When to file.
- 480-140-040 Preparation.
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- 480-140-090 Conformity of accounts.
- 480-140-100 Donations.
- 480-140-110 Dues.
- 480-140-120 Wage scales.
- 480-140-130 Tax expenditures.
- 480-140-140 Affiliated interests.
- 480-140-150 Advertising.
- 480-140-160 Salaries.
- 480-140-170 Operations covered.
- 480-140-180 Additional information.

WAC 480-140-010 Definitions. (1) The term "public service company" shall mean every person, firm, corporation, or association, or their lessees, trustees, or receivers, now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the Washington utilities and transportation commission.

(2) The term "commission" when used in those rules and regulations shall mean the Washington utilities and transportation commission or such body as may succeed to the powers and duties now exercised by it.

(3) The term "budget" when used in these rules and regulations shall mean a financial statement prepared by each public service company showing the estimated revenues, sources and amounts of money which each public service company shall, in its judgment, require during the ensuing year for maintenance, operations and construction classified by accounts as prescribed by the commission.

[Order R-5, § 480-140-010, filed 6/6/69, effective 10/9/69.]

WAC 480-140-020 Who must file. All public service companies shall file budgets with the commission except (1) gas, water, telecommunications, telegraph, and electrical companies whose annual gross operating revenues do not exceed one hundred fifty thousand dollars and (2) water companies who are required to file water system plans with the department of health in compliance with WAC 246-290-100. Water companies required to file such plans with the department of health shall concurrently file a copy of such plan with the commission.

[Statutory Authority: RCW 80.01.040, 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-020, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-020, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320, 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-020, filed 12/5/86; Order R-5, § 480-140-020, filed 6/6/69, effective 10/9/69.]

WAC 480-140-030 When to file. The budget for the ensuing year shall be prepared and filed with the commission within 10 days of the date it is approved by the company, but in no event shall it be filed later than the last day of the year preceding that for which the budget is applicable.

[Order R-5, § 480-140-030, filed 6/6/69, effective 10/9/69.]

WAC 480-140-040 Preparation. Budgets shall be made in duplicate on forms furnished by the commission. The original and three copies shall be filed with the commission and one copy shall be kept by the company for its files. Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable." In no case shall any utility deviate from the requirements of these rules except upon a showing of good cause, and then only to the extent authorized by the commission in writing. For the purpose of the budget report an "individual major project," is defined according to the following schedule:

Company Construction Budget	Major Project
\$25,000 or less	\$2,000 or more
\$25,001 to \$50,000	\$2,500 or more
\$50,001 to \$100,000	\$10,000 or more
\$100,001 to \$500,000	\$15,000 or more
\$500,001 to \$1,000,000	\$50,000 or more
\$1,000,001 to \$5,000,000	\$100,000 or more
\$5,000,001 or more	\$500,000 or more

All other individual projects shall be listed by name, location, and estimated cost. For companies with utility operations in more than one state, the major project threshold shall be applied to all projects proposed to be located in the state of Washington and to all projects which will be partly or wholly allocated to Washington operations: *Provided*, That individual project description sheets shall be required only for those projects for which the assigned or allocated costs to Washington equal or exceed the threshold set forth in this rule.

[Statutory Authority: RCW 80.01.040, 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-040, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-040, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320, 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-040, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330, 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-040, filed 2/23/83; Order R-5, § 480-140-040, filed 6/6/69, effective 10/9/69.]

WAC 480-140-050 Approval. Failure of the commission to object to any item of expenditure within sixty days from the filing of the original budget shall constitute authority to the public service company to proceed with the making of or contracting of such expenditures, but such authority may be terminated any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

[Order R-5, § 480-140-050, filed 6/6/69, effective 10/9/69.]

WAC 480-140-060 Supplemental change. Adjustments or additions to budget expenditures may be made from

time to time during the year by filing a supplementary budget with the commission for its investigation and approval or rejection. Failure of the commission to object to any item of expenditure within thirty days from the filing of the supplementary budget shall constitute authority to the public service company to proceed with the making of or contracting for such expenditure, but such authority may be terminated any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

[Order R-5, § 480-140-060, filed 6/6/69, effective 10/9/69.]

WAC 480-140-070 Emergency expenditures. Any public service company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or for the immediate preservation or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefore free from the operation of this section: *Provided*, That such public service company shall, within thirty days after the happening of the emergency, report to the commission the nature, amount and reason for expenditure.

[Order R-5, § 480-140-070, filed 6/6/69, effective 10/9/69.]

WAC 480-140-080 Secrecy provision. The commission may, in its discretion, to the extent permitted by section 31, chapter 1, Laws of 1973, upon the request of any public service company, withhold from publication, during such time as the commission may deem advisable, any portion of any original or supplemental budget relating to proposed capital expenditures.

[Order R-43, § 480-140-080, filed 4/5/73 and 4/18/73; Order R-5, § 480-140-080, filed 6/6/69, effective 10/9/69.]

WAC 480-140-090 Conformity of accounts. Unless specifically stated to the contrary, all accounts in budgets must conform with the uniform classification of accounts applicable to the size and type of utility reporting.

[Order R-5, § 480-140-090, filed 6/6/69, effective 10/9/69.]

WAC 480-140-100 Donations. Budget of donations shall set forth complete detailed information showing names, addresses, and objects of all persons, companies, partnerships, corporations, or associations to whom donations are made for or on account of the company or any of its officers or employees; also the amount of each donation and the account or accounts to which charged.

[Order R-5, § 480-140-100, filed 6/6/69, effective 10/9/69.]

WAC 480-140-110 Dues. Budget of dues in organizations shall set forth complete detailed information showing names and addresses and objects of all commercial and trade organizations, service clubs and other associations, clubs and organizations to which dues are to be paid by the public service company for or on account of membership therein by the company or any of its officers or employees; also the amount of dues in each case and the accounts to which charged.

[Order R-5, § 480-140-110, filed 6/6/69, effective 10/9/69.]

[Title 480 WAC—page 266]

WAC 480-140-120 Wage scales. Proposed wage scales shall be classified as to type of service performed, i.e., truck driver, lineman, inside workman, etc., showing basis of payment, i.e., "per hour" or "per day" (stating number of hours in a day) or "per week" (stating number of hours in a week) etc., and rate of payment.

[Order R-5, § 480-140-120, filed 6/6/69, effective 10/9/69.]

WAC 480-140-130 Tax expenditures. Budget of tax expenditures shall state the nature and amount of tax, explaining fully any contrary items, i.e., credit received of Federal income tax by pooling subsidiary gains and losses through holding company, also showing total amount of taxes deductible from operating income and total amount of taxes deductible from nonoperating income.

[Order R-5, § 480-140-130, filed 6/6/69, effective 10/9/69.]

WAC 480-140-140 Affiliated interests. Budget of items covering contemplated payment to person or corporation having affiliated interest for services, etc., shall give complete information as to name and address of the person, company, partnership, corporation, or organization to whom it is proposed to make payment for services and shall also state the amount of payment and account or accounts to which it is to be charged.

[Order R-5, § 480-140-140, filed 6/6/69, effective 10/9/69.]

WAC 480-140-150 Advertising. Budget of advertising expenditures shall give complete information as to the nature, medium, and purpose of each item of expenditure.

[Order R-5, § 480-140-150, filed 6/6/69, effective 10/9/69.]

WAC 480-140-160 Salaries. Budget of salaries shall give complete information as to the name, location, title or position, total annual compensation for employment and amount of annual compensation assigned Washington of all company officials, directors, owners or principal stockholders, officers or executives, and all employees who receive over seventy-five thousand dollars. The budget shall state the account or accounts to which charges are to be made. If employment is to be part time, the number of hours to be devoted to the reporting company shall be stated. If the total compensation shall include house rental, utility service, board and room, bonuses or other compensation, direct or indirect, such fact shall be reported separately on the budget form under "remarks" and giving the amount of each item. Budget of salaries shall give complete information as to all salary changes by employee category.

[Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-160, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330. 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-160, filed 2/23/83; Order R-5, § 480-140-160, filed 6/6/69, effective 10/9/69.]

WAC 480-140-170 Operations covered. Budgets, when referred to in these rules, shall cover all operations of each public service company within the state of Washington with revenues and expenses allocated to the state of Washington: *Provided, however*, That public service companies operating also in states other than state of Washington shall

file with the commission a budget of all total expenditures which affect the operations of the company within the state of Washington, classified according to the uniform classification of accounts, showing the total amount of each expenditure, the methods or bases of allocation to Washington operations and the percentages and amounts so allocated.

[Order R-5, § 480-140-170, filed 6/6/69, effective 10/9/69.]

WAC 480-140-180 Additional information. The commission may, in its discretion, require any public service company to furnish information, data or detail as to any proposed expenditure.

[Order R-5, § 480-140-180, filed 6/6/69, effective 10/9/69.]

Chapter 480-143 WAC COMMISSION GENERAL—TRANSFERS OF PROPERTY

WAC

480-143-010	Sale, lease or assignment of property.
480-143-020	Purchase of property.
480-143-030	Statement required of a nonutility.
480-143-040	Public hearing.
480-143-050	Transaction must be consistent with public interest.
480-143-060	Definition of property not necessary or useful.
480-143-070	Annual filing of property disposed of without authorization.
480-143-080	Certain telephone utility leases exempt.
480-143-990	Form of verification for application.

WAC 480-143-010 Sale, lease or assignment of property. Whenever a public service company desires to sell, lease, assign or otherwise dispose of the whole, or any part, of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, or by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities, with any other public service company within the meaning of chapter 159, Laws of 1941, such public service company shall first file with the commission a verified application requesting the commission to approve the transaction. Such application must state in full detail the facts and circumstances concerning the said transaction. It shall be accompanied by exhibits made a part of the verified application, containing a copy of the instruments of transfer, a financial statement of the company as of the latest possible date, a profit and loss statement for the previous year, a detailed statement of all accounts payable, notes and other liabilities and a summary of the outstanding securities.

[Order R-5, § 480-143-010, filed 6/6/69, effective 10/9/69.]

WAC 480-143-020 Purchase of property. Whenever a public service company shall, in accordance with chapter 159, Laws of 1941, desire directly or indirectly to purchase, acquire or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company (except the exchange of stocks or other securities lawfully acquired previous to June 12, 1941, for a proportionate share of other stocks or securities pursuant to a reorganization plan through foreclosure proceedings or otherwise) it shall file with the commission

a verified application so to do. Such application must state in full detail the facts and circumstances concerning the said transaction and be accompanied by exhibits made a part of the verified application, containing a copy of the instruments of transfer, a financial statement of the company as of the latest date, a profit and loss statement for the previous year, a detailed statement of all accounts payable, notes and other liabilities and a summary of outstanding securities. It shall also set forth the proposed method of financing the acquisition of such property.

[Order R-5, § 480-143-020, filed 6/6/69, effective 10/9/69.]

WAC 480-143-030 Statement required of a nonutility. If at the time of the acquisition of franchises, properties or facilities of an existing public service company, the purchaser is not itself a public service company, the commission may nevertheless, as a condition to approving the transaction, require a statement from such purchaser under oath, setting forth any changes in rates, service or equipment, resulting from the transfer which may in any way affect the public interest.

[Order R-5, § 480-143-030, filed 6/6/69, effective 10/9/69.]

WAC 480-143-040 Public hearing. The commission may in its discretion upon inspection of an application set the matter down for public hearing and require all parties to the transaction to appear and give testimony as to the same.

[Order R-5, § 480-143-040, filed 6/6/69, effective 10/9/69.]

WAC 480-143-050 Transaction must be consistent with public interest. If, upon the examination of any application and accompanying exhibits, or upon a hearing concerning the same, the commission finds that the proposed transaction is not consistent with the public interest, it shall deny the application.

[Order R-5, § 480-143-050, filed 6/6/69, effective 10/9/69.]

WAC 480-143-060 Definition of property not necessary or useful. The whole or any part of the franchises properties or facilities whatsoever, of a public service company, which are necessary or useful in the performance of its duties to the public, may not be sold, leased, assigned or otherwise disposed of by a public service company without first having applied for and obtained from the Washington utilities and transportation commission an order authorizing it so to do. Items which are disposed of in the course of making substitutions, or replacements with items of equal or greater value or usefulness, or in the course of disposing of surplus and unneeded stocks where full value is received, or when such items are obsolescent or for any reason deemed by the company to be unnecessary or useless in the performance of its duties to the public, or items not in actual use which are, by voluntary action or pursuant to the request or order of a federal war agency, leased, loaned, sold or otherwise disposed of to public utilities, war production plants or United States military and naval agencies in aid of the war effort, shall not be deemed to be "necessary or useful" items within the meaning of this rule.

[Order R-5, § 480-143-060, filed 6/6/69, effective 10/9/69.]

WAC 480-143-070 Annual filing of property disposed of without authorization. For the purpose of giving the commission an opportunity to review the determination, by a public service company, that any part of its franchises, properties or facilities which may have been disposed of without commission authorization, was not necessary or useful in the performance of its duties to the public, every public service company shall, not later than March 1st of each year, file with the Washington utilities and transportation commission a detailed list of all items sold, leased, assigned or otherwise disposed of during the previous calendar year without commission authorization, and shall attach to said list an affidavit of a responsible officer of said company stating that none of said items were necessary or useful in the performance of its duties to the public and that the company received the reasonable market value of all of such items: Provided, That the requirements of this rule need not be complied with in respect to any item having a reasonable market value of less than \$2,000.00.

[Order R-5, § 480-143-070, filed 6/6/69, effective 10/9/69.]

WAC 480-143-080 Certain telephone utility leases exempt. A telephone utility may, by written agreement, lease or furnish part of its properties or facilities to another telephone utility with which it interconnects without obtaining the commission's prior approval provided: (a) The properties or facilities are not essential to the lessor in the performance of its duties to the public in furnishing telephone service to its subscribers; (b) the properties or facilities are used for the transmission of interexchange messages between subscribers of different utilities; (c) the leasing or furnishing of the property or facilities assists in giving expeditious and economical interexchange telephone service; and (d) that a true copy of each written agreement entered into pursuant to this rule is kept on file in the headquarters office of the lessor.

[Order R-5, § 480-143-080, filed 6/6/69, effective 10/9/69.]

WAC 480-143-990 Form of verification for application.

FORM OF VERIFICATION FOR APPLICATION

STATE OF WASHINGTON

County of

} ss.

., being first duly sworn, deposes and says that he is (Title) of (Name of applicant), the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this day of, 19

Notary Public in and for the State of Washington, residing at

[Order R-5, Form (codified as WAC 480-143-990), filed 6/6/69, effective 10/9/69.]

Chapter 480-146 WAC COMMISSION GENERAL—SECURITIES, LIENS, AFFILIATED INTERESTS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

WAC

- 480-146-010 Filing.
480-146-020 Requests, applications, and statements.
480-146-030 General contents.
480-146-040 Additional information.
480-146-050 Material incorporated by reference.
480-146-060 Conditions for public hearing.
480-146-070 Procedure for merger or consolidation.
480-146-080 Form of securities application.
480-146-090 Form of affiliated interest application.
480-146-091 Reporting of affiliated interest transactions.
480-146-095 Form of lease application.
480-146-200 Minimum time required for commission order.
480-146-210 Supplemental filings exempt from time limitations.
480-146-220 Waiver of time limitations.
480-146-230 Reporting of securities transactions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-146-100 Notes with combined twelve months maturity exempt. [Order R-5, § 480-146-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-16-009 (Order R-431, Docket No. A-950021), filed 7/20/95, effective 8/20/95. Statutory Authority: RCW 80.01.040 and 1994 c 251.

WAC 480-146-010 Filing. Applications for orders and statements of securities issuance may be filed at the office of the commission in Olympia, Washington, by mail or in person.

Applications and statements will be docketed by number and all material filed in connection therewith should bear that number.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-010, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-010, filed 6/6/69, effective 10/9/69.]

WAC 480-146-020 Requests, applications, and statements. Any public service company except any local exchange company which serves less than two percent of the access lines in the state of Washington, that undertakes to issue stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness shall file a statement with the commission prior to such issuance containing the information required under RCW 80.08.040 (1), (2) and (3). Any company making such a filing may request from the commission a written order affirming that the company has complied with the requirements of RCW 80.08.040. For purposes of this chapter, a request for such an order is termed an application. Unless the context indicates otherwise, references to applications and applicants also include statements of securities issuance and persons filing such statements.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-020, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-020, filed 6/6/69, effective 10/9/69.]

WAC 480-146-030 General contents. Each application shall state fully the facts upon which it is based and shall be signed by the applicant, a representative of the applicant who is authorized to sign, or applicant's attorney. Each application shall be dated and shall bear a certification that the information is true and correct to the best of the signer's information and belief, under penalties of perjury as set forth in RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-030, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-030, filed 6/6/69, effective 10/9/69.]

WAC 480-146-040 Additional information. The commission may at its discretion require pertinent data and information from the applicant in addition to that particularly specified by statute or in these rules and regulations.

[Order R-5, § 480-146-040, filed 6/6/69, effective 10/9/69.]

WAC 480-146-050 Material incorporated by reference. When any documents, data or information required to be filed under these rules are on file with the commission, it shall be sufficient to so state and to make specific reference to the document and to the proceeding, report or other filing containing the referenced information. When any information specified in this chapter is irrelevant to the application so indicate and state the reason. In the event any of the required exhibits or portions thereof cannot be supplied at the time the application is filed, state the circumstances with respect thereto and indicate when it will be available.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-050, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-050, filed 6/6/69, effective 10/9/69.]

WAC 480-146-060 Conditions for public hearing. The commission will act upon a complete filed application as promptly as possible. It may be considered without a hearing, or, if the commission deems it advisable, a hearing may be held thereon pursuant to provisions of the Administrative Procedure Act and the commission's procedural rules governing adjudications of brief adjudications.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-060, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-060, filed 6/6/69, effective 10/9/69.]

WAC 480-146-070 Procedure for merger or consolidation. If the securities are to be issued by a corporation to be formed by the merger or consolidation of two or more corporations, the filing shall contain the information required under WAC 480-146-020, for each of the corporations to be so merged or consolidated. When the utility requests a written order affirming that the company has complied with the requirements of RCW 80.08.040, the filing shall contain the information required under WAC 480-146-080.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-070, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-070, filed 6/6/69, effective 10/9/69.]

WAC 480-146-080 Form of securities application.

Any public service company requesting a written order affirming that the company has complied with the requirements of RCW 80.08.040 must submit a draft copy of the proposed order which it seeks, and must submit its request to the commission in substantially the following form:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the request of (insert name of company) for an order establishing compliance with RCW 80.08.040. } Application
Docket

(Name of Company) hereby requests the Washington utilities and transportation commission to enter a written order establishing compliance with RCW 80.08.040 (1), (2) and (3). The following information is furnished in support of this application:

- (1) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so that the proceeds from any such financing are for one or more of the purposes allowed by chapter 80.08 RCW;
- (2) A description of the proposed issuance including the terms of financing;
- (3) A statement as to why the transaction is in the public interest; and
- (4) Text of a draft order granting applicant's request for an order, including a disk containing the proposed language in a format acceptable to the commission.

Wherefore, the undersigned, an authorized agent of the applicant, requests that the Washington utilities and transportation commission issue its order affirming that the applicant has complied with the requirements of RCW 80.08.040.

The undersigned certifies, under penalties of perjury as provided in RCW 9A.72.085, that he or she has read the foregoing application and knows the contents thereof and that the same are true to the best of his or her own knowledge or belief.

Dated at this day of

.....
(Applicant)

By
Title

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-080, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-080, filed 6/6/69, effective 10/9/69.]

WAC 480-146-090 Form of affiliated interest application. Applications for approval of contracts or arrangements with affiliated interests pursuant to the provisions of chapter 152, Laws of 1933, shall be submitted in the following form with such modification as the circumstances may render necessary:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION OF (here insert name of applicant) FOR AN ORDER (here insert the desired approval or authorization, thus: "APPROVING A CONTRACT FOR SERVICES, ACQUISITION OF PROPERTY, etc.")

No. (Number to be inserted by secretary of the commission)

Application is hereby made to the Washington utilities and transportation commission for an order (here insert the desired approval or authorization) pursuant to the provisions of chapter 152, Laws of 1933. The following general information and specific exhibits are furnished in support thereof:

GENERAL INFORMATION

Here submit the general information required under Items Nos. 1 to 9, inclusive, of the application form under WAC 480-146-080.

EXHIBIT "A"

A verified copy of the proposed contract, agreement, or arrangement. If unwritten, submit a summary of the provisions of any such unwritten contract, agreement or arrangement.

EXHIBIT "B"

A list of all officers and directors of the affiliated interest who are also officers and/or directors of the applicant.

EXHIBIT "C"

If contract or arrangement is for the furnishing of management, supervisory construction, engineering, accounting, legal, financial, or similar services, show hereunder:

- 1. The salaries paid by the affiliated interest to: (a) Each of its officers receiving the three highest aggregate amounts of remuneration. (b) All other officers of the affiliated interest, whatever the amount of the respective remuneration of each, in the aggregate, indicating the number of such officers without naming them. (c) All employees of the affiliated interest, who, respectively, received remuneration from the affiliated interest in excess of \$20,000 during the past fiscal year, indicating the number of such employees without naming them. 2. Statement for the most recent fiscal year of: (a) The cost of operation of the affiliated interest. (b) The method of determining the costs applicable to the applicant. (c) The basis of charges for the service to be rendered. 3. The estimated amount to be paid annually for such services and the accounts to which such payments are to be charged upon applicant's books. 4. Whether the services to be rendered are to supplement or supplant similar rendered by officers and/or employees of applicant.

- 5. That the services to be rendered by the affiliated interest are desired by applicant, and will be beneficial in the rendering of service to the public; that no payments will be made pursuant to any such contracts or arrangement unless such services are actually rendered and a full account thereof will be reflected upon applicant's books and records. 6. Attach a certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed contract or arrangement.

EXHIBIT "D"

If contract or arrangement is for the purchase, sale, lease, or exchange of any property, right or thing; or for the furnishing of any service, property, right or thing, other than those enumerated under EXHIBIT "C," show hereunder:

- 1. A general description of the property, right or thing to be purchased, sold, leased, or exchanged, the value thereof, the method followed in determining such value; if an operating property, the historical or original cost thereof, the related accrued depreciation therein (estimated in both cases if not known), the amount of contributions in aid of construction, and the consideration to be paid under the proposed contract or arrangement. (In case application has been or is being made for authority to issue securities for the purpose of purchasing property under the contract or arrangement herein referred to, reference may be made to such application wherein the above information is furnished, in lieu of furnishing said or similar information herein.) 2. The basis to be used in making charges against applicant and reflecting of liabilities by applicant in connection with the said contract or arrangement. 3. The reasons why applicant desires to enter into the proposed contract or arrangement. 4. Attach a certified copy of the relevant portions of the minutes of all meetings of the directors and stockholders relating to the proposed contract or arrangement.

EXHIBIT "E"

Show such other facts, not set forth in preceding exhibits, as, in the opinion of applicant, may be pertinent to the application:

WHEREFORE, the undersigned applicant requests that the Washington utilities and transportation commission make its order granting to such applicant its application, as provided for in chapter 152, Laws of 1933.

DATED at THIS DAY OF, 19

(Applicant)

By Title

STATE OF WASHINGTON } ss County of

... being first duly sworn, deposes and says that he is (Title) of (Name of applicant) the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this ... day of ..., 19...

Notary Public in and for the state of Washington, residing at ...

[Order R-5, § 480-146-090, filed 6/6/69, effective 10/9/69.]

WAC 480-146-091 Reporting of affiliated interest transactions. (1) By June 1, in a format prescribed by the commission, all gas, electrical, and local exchange companies serving more than fifty thousand access lines in Washington, as defined in RCW 80.04.010, shall file with the commission a report of all affiliated interest transactions which occurred during the period January 1 through December 31 of the preceding year.

As used in this section "affiliated interest transactions" mean contracts or arrangements between affiliated interests as defined in RCW 80.16.010.

(2) The annual report required by this rule will, at a minimum, include the following information, provided in a format specified by the commission:

(a) A organization chart of the public service company and a detailed description of the affiliates with appropriate financial information.

(b) A description of the nature of services flowing between the public service company and the affiliate, showing charges and pricing basis.

(c) A description of loans between the public service company and its affiliates.

(d) A description of debt guarantees by the public service company for any affiliate.

(e) A description of transactions with affiliates other than services, loans, or debt guarantees.

(f) A description of the procedure for allocating costs between the public service company and its affiliates.

(3) The annual report required by this section will supersede the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) Nothing in this section is intended to modify the obligations of public service companies to seek approval of affiliated interest contracts and arrangements pursuant to chapter 80.16 RCW.

[Statutory Authority: RCW 80.01.040, 92-07-009 (Order R-369, Docket No. UT-911389), § 480-146-091, filed 3/6/92, effective 4/6/92.]

WAC 480-146-095 Form of lease application. Applications for approval of the terms of a lease of utility facilities by a public service company, as lessee pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess.,

shall be submitted in the following form with such modifications as the circumstances may render necessary:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION of (here insert name of applicant) FOR AN ORDER APPROVING THE LEASE OF UTILITY FACILITIES

No. (Number to be inserted by secretary of the commission)

Application is hereby made to the Washington utilities and transportation commission for an order authorizing the lease of utility facilities pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess.

GENERAL INFORMATION

Here submit the general information required under Items Nos. 1 to 9, inclusive, of the application form under WAC 480-146-080.

EXHIBIT "A"

A statement by applicant certifying that the requested authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of a date not prior to the last day of the third month preceding that in which the application is filed, and a pro forma balance sheet as of the same date giving effect to the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(a) Detailed income and profit and loss statement for the twelve months ended as of the date of the balance sheet submitted as EXHIBIT "B."

(b) Reconciliation of the retained earnings account for the period covered by the income and profit and loss statement. Retained earning should be segregated from other surplus accounts.

EXHIBIT "C"

- 1. A description of the property which is to be leased.
2. The historical or original cost thereof and the related accrued depreciation therein. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts, not set forth in preceding exhibits as, in the opinion of applicant, may be pertinent to the application.

WHEREFORE, the undersigned applicant requests that the Washington utilities and transportation commission make its order granting to such applicant its application, as provided for in chapter 125, Laws of 1979 1st ex. sess.

DATED at, this day of, 19. . .

(Applicant)

By
Title

STATE OF WASHINGTON
County of } ss.

., being first duly sworn, deposes and says that he is (Title) of, the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this day of, 19. . .

Notary Public in and for the State of Washington, residing at

[Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-028 (Order R-135, Cause No. U-79-54), § 480-146-095, filed 10/10/79.]

WAC 480-146-200 Minimum time required for commission order. Except as provided in WAC 480-146-210 and 480-146-220, every application for a written order under the provisions of chapter 80-08 RCW, shall be filed with the commission at least 15 working days prior to the date when an order of the commission is desired. The fifteen-day period shall begin only when the applicant has completed the filing of all the information and exhibits required by the commission's rules relating to such applications.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-200, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-200, filed 6/6/69, effective 10/9/69.]

WAC 480-146-210 Supplemental filings exempt from time limitations. WAC 480-146-200 shall apply to all supplemental applications requesting an order except those which are filed (1) to comply with the provisions of a previous order of the commission, or (2) to obtain authority to modify the terms and conditions under which a previous order of the commission was entered, or (3) to request that technical flaws of a previous order be corrected.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-210, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-210, filed 6/6/69, effective 10/9/69.]

WAC 480-146-220 Waiver of time limitations. The commission may, in its discretion, waive the provisions of WAC 480-146-200 when required by a genuine emergency. Applicants requesting such a waiver may be required to submit a written statement clearly indicating the nature of the emergency, the reason why emergency relief is needed and the nature and extent of any hardships that may be suffered in the event an order of the commission is not entered on or before a designated date.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-220, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-220, filed 6/6/69, effective 10/9/69.]

WAC 480-146-230 Reporting of securities transactions. (1) Within thirty days after the issuance of stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, each public service company shall file with the commission a letter setting forth the final terms and conditions of the transaction. The final terms and conditions of the issuance of stock under dividend reinvestment and similar employee benefit plans shall only be reported in the annual securities transaction report as set forth in subsection (2) of this section.

(2) By April 1 of each year, every gas company, every electrical company, and every local exchange company serving more than two percent of the access lines in Washington that has issued securities during the prior calendar year, shall file with the commission an annual securities transaction report containing final agreements and describing the use of proceeds and level of expenses for each of the securities transactions for the prior year ended December 31. The report shall contain sufficient detail to determine the individual and collective impact on capital structure and pro forma cost of money for the securities transactions for the prior year ended December 31.

(3) Any public service company not required to file the annual report specified in subsection (2) of this section, shall maintain its records in a way allowing it to provide, upon request of the commission, the information referenced in subsection (2) of this section on an annual basis.

[Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-230, filed 7/20/95, effective 8/20/95.]

Chapter 480-149 WAC
TARIFF CIRCULAR NO. 6

Table with 2 columns: WAC number and description of tariff rule.

480-149-150	Power of attorney, concurrence and revocation notice.
480-149-160	Approval of rates by commission.
480-149-170	Suspension of tariffs.
480-149-180	Discontinuance of service.
480-149-190	Blank forms.
480-149-200	Waiver of rules.
480-149-210	Adoption of Interstate Commerce Commission regulations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-149-070	Excursion service company and temporarily reduced one-way tariffs. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-070, filed 7/11/84; Order R-16, § 480-149-070, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 90-22-031 (Order R-329, Docket No. T-900076), filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 80.01.040.
480-149-080	Storage warehouse tariffs. [Order R-16, § 480-149-080, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.
480-149-090	Tariffs of "wharfingers or warehousemen." [Order R-16, § 480-149-090, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

WAC 480-149-010 Form and size of tariffs. (1) All tariffs and supplements thereto must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper with not smaller than 8 point type, except that 6 point bold face type may be used for reference marks and except as provided in WAC 480-149-030 (1)(b).

(2) The size must be 8 by 11 inches or 8-1/2 by 11 inches except railroad local passenger tariffs which may be 4 by 9 inches.

(3) A margin of not less than five-eighths of an inch must be left for binding.

[Order R-16, § 480-149-010, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-020 Changes to be indicated. (1) All printed or typewritten tariffs and supplements must indicate all changes in rates, fares, charges, rules, regulations or classifications by use of the following symbols in connection with such changes:

- ⊖ or (R) to denote reductions
- ⊕ or (A) to denote increases
- △ or (C) to denote changes in wording which result in neither reductions nor increases in charges.

(2) Explanations of all symbols used must be provided in the tariff or supplement in which used and the symbols designated in subsection (1) must not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates, fares or charges in a tariff or supplement or a page thereof, that fact and the nature of such changes may be indicated in distinctive type at the top of the title page of such issue or at the top of each page respectively in the following manner "All rates, fares or

charges in this issue are increases," or "All rates, fares or charges on this page are reductions except as otherwise provided in connection with the rates, fares or charges." Under this paragraph of the rule a bold face dot, "●," must be used to symbolize a rate, fare or charge in which no change has been made. This symbol must not be used for any other purpose.

(4) When a tariff or supplement canceling a previous issue omits points of origin or destination, rates, fares, charges, rules, regulations or routes which were contained in such previous issue, the new tariff or supplement shall indicate the omissions and if such omissions effect changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in subsection (1) of this rule.

[Order R-16, § 480-149-020, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-030 Title page to all tariffs. (1) The title page of every tariff or supplement must show not less than 30 days' notice, or bear plain notation to the number and date of the permission or rule or decision of the commission under which it is effective on less than such statutory notice. The title page of every tariff, and the title page of every supplement shall show at least the following:

(a) Name of company issuing tariff and the number of its certificate, permit or license, if any, as the case may be; or name of bureau or agency filing tariff under powers of attorney.

(b) An identifying tariff number; also supplement number if the filing is a supplement. If tariffs or supplements are canceled thereby the numbers of such tariffs or supplements shall be named. If the number of canceled publications is so large as to render it impracticable to thus enter them on the title page they must be shown immediately following the table of contents provided specific reference thereto is entered on title page directly under the tariff or supplement number.

(c) Type of service covered by the tariff.

(d) The territory from and to which the tariff or supplement applies or location of dock or warehouse.

(e) On tariffs which have interstate application, a clear statement indicating the Washington intrastate application or nonapplication of the tariff, or reference to a page or item where such statement will be found.

(f) Reference by name and number to the classification, exceptions thereto and rules circulars, if any, governing the tariff or supplement. In the alternative reference may be shown on the title page to an item or page of the tariff where governing publications are named. A tariff is not governed by a classification, classification exceptions or rules circular except when and to what extent stated on or in the tariff.

(g) Date of issue and date effective. When a tariff or supplement is made to expire on a given date the term "Expires on (date) unless sooner canceled, changed or extended," must be used.

(h) On every tariff or supplement in which the rates, fares, charges, rules or regulations are made effective on less than statutory notice the notation "Issued on less than

statutory notice under authority of (show authority) " must be shown.

(i) Name, title and street address of tariff publishing officer by whom the tariff or supplement is issued.

[Order R-16, § 480-149-030, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-040 General rules. (1) When a tariff or item in a tariff gives reference to another tariff, full number reference to such tariff must be given unless otherwise specifically authorized by the commission.

(2) If a tariff carries joint rates or rates applying over more than one road, local routing and junctions must be given.

(3) All basing or proportional rates must clearly specify the extent and manner of their use.

(4)(a) All tariffs of transportation companies, except water transportation companies, must carry a rule providing for intermediate application which must apply except where a waiver of the long and short haul statute (RCW 81.28.200) is specifically authorized by the commission.

(b) When the commission has issued an order granting to a carrier authority to depart from the provisions of the "long and short haul statute," each tariff or supplement issued and filed under such authority must bear a notation to the following effect:

(i) "This tariff (or supplement) contains rates that are higher for shorter than longer distances over the same route. Such departure from the terms of RCW 81.28.200, is permitted by authority of W.U.T.C. order (or orders), as indicated in individual items of this tariff (or supplement)."

(5) All tariffs of transportation companies shall contain a clause protecting the combination of local rates where such combinations are lower than the through tariff rates, and shall authorize the application of such lower rates.

[Order R-16, § 480-149-040, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-050 Freight tariffs. Freight tariffs shall contain: (1) Table of contents (unless otherwise specifically authorized by the commission). A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that it plainly discloses its contents, the table of contents may be omitted.

(2) A list, alphabetically arranged, of the names of all carriers participating in the tariff. If there be not more than 10 participating carriers, their names may be shown on the title page. Each carrier or agent which issues a joint tariff shall file with the commission an informal list or schedule of powers of attorney or concurrences; or in the alternative may show the powers of attorney or concurrence numbers in connection with the list of participating carriers in the tariff.

(3) A complete index alphabetically arranged of all articles upon which commodity rates or exceptions to the governing classification are named together with reference to each item or page where such article is shown. If all of the commodity rates to each destination in a general commodity or a combined class and commodity tariff are arranged in

alphabetical order by commodities, the index of commodities may be omitted from the tariff.

(4) An alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which all rates apply except where all or substantially all rates apply in both directions the points of origin and destination may be shown in one index. Such index or indexes must show the item, page or index numbers from or to which rates apply. If there be not more than 12 points of origin or 12 points of destination, the name of each if practicable may be shown on the title page. If the points of origin or of destination are shown alphabetically arranged or are shown by groups alphabetically arranged, no index is required.

(5) List of exceptions, if any, to the classification, or reference to a classification exception tariff or tariffs governing the tariff.

(6) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff may be necessary to remove all doubt as to their proper application.

(7) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with, and on the same page with, such rates. Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual carrier or by an agent, providing that reference is made to such tariffs on the title page.

(8)(a) An explicit statement of the rates, in cents or in dollars and cents per pound, per 100 pounds, per barrel or other package, per ton, or per car, or other unit, together with the names or designations of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights or other units must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified as "gross ton" or "long ton" or a "ton of 2,240 pounds." A ton measurement must be specified as "ton of 40 cubic feet." Complicated or ambiguous terms must be avoided. Insofar as possible such rates should be assigned an identifying number to facilitate reference thereto. If all rates are stated in the same unit that fact may be indicated on the title page immediately in connection with the application of the tariff.

(b) When articles are made subject to percentages of class rates the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference may be made to an appropriate table published in the tariff containing the class rates. Unless this is done specific commodity rates must be published.

(c) A commodity item may provide rates on a number of items by the use of generic heading without naming such articles, providing such commodity item contains reference to an item in the tariff which contains a complete list of such articles, or contains reference to the number of a separate tariff containing such a list of articles. Such reference to a separate item or tariff may not be made unless a definite and

complete list of the articles under the same generic heading is shown in the item, tariff or classification so referred to.

(9) The different routes via which rate applies must be shown. When a tariff specifies routing, the rates may not be applied via routes not specified.

(10) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(11) The above rules are in addition to the general rules of this circular insofar as they apply to freight operations.

[Order R-16, § 480-149-050, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-060 Passenger tariffs. Passenger tariffs shall contain:

(1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-060, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-060, filed 7/11/84; Order R-16, § 480-149-060, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-100 Transfer of rates or fares from one tariff to another. (1) If a tariff or supplement to a tariff or a revised page is issued which is to displace a part of another tariff which is in force at the time and which

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tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement or revised page which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date. Such reissue, supplement or revised page must state where rates or fares will thereafter be found and must be filed at the same time and in connection with the tariff, supplement or revised page which contains the new rates or fares.

(2) When a tariff is canceled by the issuance of another tariff to take its place, cancellation notice must be given by notice in the new tariff as provided in WAC 480-149-030 (1)(b).

(3) An agent who acts under authority of power of attorney is fully authorized to act for the principals that have named him their agent and attorney, and therefore when an agent publishes rates or fares in his tariffs which are to displace the rates or fares in his principal's tariff, the agent must cancel the rates or fares in his principal's tariffs as per subsection (1) of this rule.

(4) A carrier must not publish in its individual tariff rates or fares which are to displace the rates or fares published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates or fares in his tariff effective on the same date, as per subsection (1) of this rule.

(5) When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the rates or fares will thereafter be found or what rates or fares will thereafter apply. When a tariff is canceled by another tariff which does not contain all the rates or fares shown in the tariff to be canceled, the canceling tariff must show where rates or fares not shown therein will thereafter be found or what rates or fares will thereafter apply.

(6) When portions of a tariff or of a supplement to a tariff, are designated as items they must be given numbers; and the cancellation of an item by supplement must be under the same item number with a letter suffix in alphabetical sequence. If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates or fares are to be found. If an item is withdrawn in its entirety or expires by its own terms, leaving no rates or fares or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item. When withdrawing a rule or item designated by an item number, the canceled matter need not be reproduced in connection with the item effecting the cancellation, except to the extent necessary to identify the item.

[Order R-16, § 480-149-100, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-110 Amendments and supplements.

(1) A change in or addition to a tariff shall be known as an amendment, and excepting amendments to tariffs of less than three pages, and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) No supplement shall be issued on tariffs containing less than three pages or to tariffs in loose-leaf form except

for the purpose of canceling the tariff or unless specifically authorized by the commission.

(3) Tariffs issued in loose-leaf form can only be amended by issuing revised pages to the tariff except as provided in subsection (2) of this rule. A revised page must carry the same page number as is carried by the page which it cancels. For example, 1st revised page 1 cancels original page 1.

(4) When a participating party is eliminated by supplement or revised page, such supplement or revised page must also provide for cancellation of rates or fares in connection with that party.

(5)(a) Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariffs which it cancels and shall also show what supplements contain actual changes from the rates, fares, rules or regulations in the original tariff.

(b) Purely intrastate supplements to a tariff having interstate application may be assigned the number of the last interstate supplement with capital letters of the alphabet (used consecutively) added, such as "23A," except that if any intrastate supplements are issued prior to Supplement No. 1, such intrastate supplements will be identified with capital letters of the alphabet used consecutively, such as "A," "B," etc.

(6) Except as provided in subsections (9), (10) and (11) of this rule, the following is the number of effective supplements permitted to any tariff:

2 pages and less	No supplements.
3 to 16 pages, inclusive	1 supplement.
17 to 80 pages, inclusive . . .	2 supplements, and 1 additional supplement of not to exceed 4 pages.
81 to 200 pages, inclusive . . .	3 supplements, and 1 additional supplement of not to exceed 4 pages.
201 pages and more	4 supplements and 1 additional supplement of not to exceed 4 pages.

In addition to the above, not to exceed 2 purely intrastate supplements may be in effect to tariffs which have interstate application.

In connection with the number of supplements issued as exceptions to the rule, reference marks must be used and explained on title pages to indicate the nature of the supplements filed under such authority. The reference marks and explanations must also be shown on every subsequent supplement showing that such supplements are still effective. The term "cancels conflicting portions" must not be used but cancellations must be specific.

(7) Every publication which contains rates, fares, rules, or regulations effective upon a date different from the general effective date of such publication must show on its title page the following notation:

"Effective , 19. . . (except as otherwise provided herein)" or "except as provided in (item or page)."

(8) Matter brought forward without change from one supplement to another must be designated "reissued" and must show the number of the supplement from which it was reissued.

(9) When the name of a company is changed, or when its operating control is transferred to another, the company which will thereafter operate the properties shall file and post new tariffs in the name of the new company; except that where the company name remains unchanged or where tariffs consist of 5 or more pages, or where three or more tariffs are involved, or where there are powers of attorney or concurrences outstanding, an adoption notice, given a "tariff" number may be filed, reading as follows:

Tariff No.

.....
 (Insert here name of new company)

ADOPTION OF TARIFFS, CONCURRENCES, DIVISIONS, ETC.
 OF THE

.....
 (Insert here name of old company)

BY THE

.....
 (Insert here name of new company)

The hereby adopts,
 (Name of new company)

ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Washington Utilities and Transportation Commission by the

.....
 (Insert here name of old company)

prior to the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

ISSUED:
 (Insert date here)

EFFECTIVE:
 (Insert date here)

ISSUED BY:
 (Insert here name of traffic official)

.....
 (Insert here address)

In addition to the above adoption notice the new company shall immediately file a supplement to each of the tariffs covered by the adoption notice, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the (Name of new company) as per its adoption notice No.

Such supplements issued under authority of this rule must contain no other matter, must bear reference to this rule

and must be designated by a reference mark as provided in subsection (6) of this rule.

Similar adoption notice must immediately be filed by a receiver, when he assumes possession and control of a company.

Except where concurrences and powers of attorney are filed with the Interstate Commerce Commission, concurrences and powers of attorney adopted by a company or receiver must within 120 days be replaced and superseded by new concurrences and powers of attorney issued and numbered in the series of the new company or receiver. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in WAC 480-149-150.

(10)(a) Upon receipt of an order of suspension of any tariff publication or portion thereof, the carrier or agent who filed such publication shall immediately file with the commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the period prescribed in the commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the commission's order the date must be specified), except by order or special permission of the commission.

(b) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the commission's order, and if prior to the expiration of that order the commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, on the authority of this permission, issue a supplement effecting such further deferment. Also, after the expiration of the period prescribed by the commission's order, the carrier or publishing agent may, when requested by the commission and on the authority of this permission, issue a supplement further postponing the effective date of the suspended matter. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the commission has been voluntarily postponed, beyond the term of the commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the commission's suspension order, except by order or special permission of the commission.

(c) When the commission suspends an entire supplement to a tariff, or portions of a tariff or of a supplement to a tariff, the commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain is not waived, except that a supplement containing suspended matter will not be counted against the number of effective supplements, or the volume of supplemental

matter permitted to such tariff under WAC 480-149-110(6) provided all matter in such supplement, except the suspended portions thereof, are reissued in or specifically canceled by a subsequent supplement.

(d) When a tariff, any portion of which is under suspension, is canceled the new tariff may either:

(i) Cancel the previous tariff "except portions under suspension in Cause No. . . . , viz. (Identifying the suspended portion by item and page number)," or

(ii) Cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely deferred the new tariff must state that fact by appropriate language.

(iii) When a supplement which is suspended in part is reissued, such reissue shall cancel the supplement containing the suspended matter except portions under suspension in Cause No. . . .

(e) A suspended rate, charge, classification, regulation, or practice may not be changed or withdrawn except by order or special permission of the commission, nor may any change be made in a rate, charge, classification, rule, regulation, or practice which is contained in effect as a result of such suspension except under order or special permission of the commission.

(f) When the commission vacates an order of suspension as of a date earlier than the date to which suspended, or when the responsible carrier or agent has deferred the effective date of the suspended matter under authority of this permission and the commission, after the expiration of its order of suspension, finds the suspended matter justified, the responsible carrier or agent may file with the commission on one day's notice, unless otherwise directed by the commission, a supplement stating the date upon which the suspended matter will become effective.

(g) Every suspension, vacating and cancellation supplement issued under authority of this rule must bear on its title page the following notation: "Issued under authority of WAC 480-149-110(10). Tariff Circular 6, and in compliance with Order No. . . . of the Washington Utilities and Transportation Commission of (date)."

Such supplements will not be counted against the number of effective supplements permitted under subsection (6) of this rule. All such supplements must be given the same general distribution as the tariff or supplement affected.

(11) Except as to loose-leaf tariffs and tariffs containing less than three pages one additional supplement may be issued to any tariff in excess of the number allowed by WAC 480-149-110(6) for the purpose of establishing rates, fares, classifications, rules, or regulations in compliance with a decision or order of the commission in a formal case. Only one such supplement may be in effect at any one time and it shall bear on its title page the following notation in addition to showing reference to the opinion or order:

"This supplement is issued under authority of WAC 480-149-110(11) of Tariff Circular 6 and will be included in and canceled by the next regular supplement filed to this tariff."

[Order R-16, § 480-149-110, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-120 Notice required—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 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.

(4) 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 may express

their opinions regarding the filing in writing to the Washington utilities and transportation commission and shall state the mailing 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. 94-14-012 (Order R-418, Docket No. TV-940147) § 480-149-120, filed 6/23/94, effective 7/24/94; 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.]

WAC 480-149-130 Method of filing. (1) All tariffs, supplements or revised pages must be delivered to the commission free from all charges.

(2) Each company or agent must file tariffs under serial numbers of its own.

(3)(a) Copies of each tariff, supplement, revised page or other schedule shall be included in one package and under one letter of transmittal.

(b) Letters of transmittal may be in duplicate. In that event one copy will be stamped with the date received by the commission and returned to the sender as a receipt for the publication.

(c) Tariffs mailed for filing must be addressed: Washington Utilities and Transportation Commission, Olympia, Washington.

(4) Tariffs, supplements or revised pages which are received for filing too late to give the commission the required notice are subject to rejection and return. The filing date will be considered the actual date the publication is received by the commission at its office in Olympia except as provided in WAC 480-149-120(1). No consideration will be given to delays in transmittal.

(5) When a tariff publication is rejected by the commission the number which it bears must not again be used. The publication which is issued in lieu of such rejected publication must bear the notation "Issued in lieu of rejected by the Washington Utilities and Transportation Commission."

[Order R-16, § 480-149-130, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-140 Rates prescribed by the commission. (1) Rates, fares, rules or regulations prescribed by the commission in its decisions and orders in formal cases shall be promulgated by the companies against which such orders are entered, in duly published, filed and posted tariffs, supplements or revised pages which shall show notation to that effect. Only the rates or fares so prescribed will carry such notations. Notice shall be sent the commission that its decision or order in Cause No. , has been complied with in item , page of Tariff No. _____ or

supplement or revised page No. to Tariff No.

(2) Unless otherwise specified in the decision or order in the case, such tariff, supplement or revised page must be made effective upon statutory notice to the commission and the public. Whether made effective on less than statutory notice, or upon statutory notice, when an entire tariff, supplement or revised page is issued in compliance with a decision or order, such tariff, supplement or revised page shall bear on its title page the notation "Issued in compliance with decision (or order) of the Washington Utilities and Transportation Commission in Cause No."

If the decision or order of the commission affects only portions of the tariff, supplement or revised page, the above notice shall be shown in connection with each portion so affected.

[Order R-16, § 480-149-140, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-150 Power of attorney, concurrence and revocation notice. (1) This rule does not apply where powers of attorney and concurrences are filed with the Interstate Commerce Commission.

(2) An agent may be either an individual person or a corporation. Such agent must file tariffs under serial numbers of his own.

(3) The following form shall be used for a company to give authority to an attorney and agent to file tariffs and amendments or to give or file concurrences for it in its stead:

Power of Attorney No.

(Name of company)

(Post office address)

., 19. . .

KNOW ALL MEN BY THESE PRESENTS:

That the (Name of company) has made, constituted, and appointed and by these presents does make, constitute and appoint (Name of agent appointed) its true and lawful attorney and agent for the said company, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other companies, to receive concurrences in, and to file, rate schedules and supplements thereto, as required by the Washington Utilities and Transportation Commission. (Show limitations, if any)

And the said (Name of company) does hereby give and grant unto its said attorney and agent full authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its President and to be duly attested under its corporate seal by its Secretary, at, in the state of, on this

. . . . day of, in the year of our Lord nineteen hundred and

(Name of company)

By
ATTEST Its, President
. Secretary
(Corporate seal)

(4) The following form shall be used by companies concurring in the rates, fares, rules or regulations of another company or agent.

CONCURRENCE No.

Name of Company (or individual)

THIS IS TO CERTIFY

That the assents to and concurs in the publication and filing of Rate Schedules or Supplements thereto which the or its agent, now has on file or may make and file with the Washington Utilities and Transportation Commission over the following route, and hereby makes self a party to and bound thereby insofar as such schedules contain rates, rules or regulations applying for services specified, until this authority is revoked by formal and official notice of revocation filed with the Washington Utilities and Transportation Commission and with the

Name of Company
Traffic Officer
Street Address
Post Office

Issued Effective

(5) Companies granting authority to an agent or another company to publish and file certain of its rates shall not publish rates or fares which conflict with those published by such agent or other company.

(6) Each company issuing powers of attorney or concurrences to other public service companies or agents shall give a number to each document, using its own separate series for each form. This number shall be shown on the upper right-hand corner and immediately thereunder shall be shown the number of the power of attorney or concurrence, as the case may be, that is canceled thereby.

(7) A power of attorney or a concurrence may be revoked upon not less than 60 days' notice to the commission by filing a notice of revocation with the commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney or concurrence was executed. Such notice must not bear a separate serial number but must specify the number of the power of attorney or concurrence to be revoked, must name the agent in whose favor the power of attorney or concurrence was executed, must specify a date upon which revocation is to become effective which must not be less than sixty days subsequent to the date of its receipt by the commission and must be executed in the following manner:

REVOCATION NOTICE

.....
(Name of company)

.....
(Post office address)

....., 19. . .

Know all men by these presents:

Effective, 19. . ., power of attorney No.
issued by
. in favor of
. is hereby canceled and revoked.

.....
Name of Company

By
ATTEST Its, President
. Secretary
(Corporate seal)

Duplicate mailed to at

(8) When a power of attorney or concurrence is re-
voked, corresponding revision of the tariff or tariffs shall be
made effective upon statutory notice not later than the
effective date stated in the revocation notice.

(9) One copy of each power of attorney, concurrence
and revocation notice must be filed with the commission,
also one copy must be furnished to the agent or company to
which such authorization is directed.

[Order R-16, § 480-149-150, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

**WAC 480-149-160 Approval of rates by commis-
sion.** The filing of tariffs or supplements with the commis-
sion does not imply that the provisions thereof are approved,
unless the commission has prescribed the rates, fares, rules,
regulations or practices in an order, and companies must not
in any way make such inference.

[Order R-16, § 480-149-160, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

WAC 480-149-170 Suspension of tariffs. (1) The
commission has power either on receipt of a complaint or
protest or on its own motion to suspend the rates, fares,
charges, rentals or tolls of any public service company as
provided in RCW 81.04.130.

(2) No tariff or any part of a tariff will be suspended on
a complaint or protest unless such complaint or protest is
filed in compliance with the commission's rules of practice
and procedure.

(3) When a tariff or any part of a tariff is suspended by
the commission, supplements shall be filed as provided in
WAC 480-149-110(10).

[Order R-16, § 480-149-170, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

WAC 480-149-180 Discontinuance of service. When
permission of the Washington utilities and transportation
commission has been secured for discontinuance of service,
supplements must be issued canceling tariffs. Such supple-

ments shall carry full reference to the permission granted by
the commission.

[Order R-16, § 480-149-180, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

WAC 480-149-190 Blank forms. Blank forms of
concurrence, power of attorney, adoption notice, revocation
notice and application for permission to change rates on less
than statutory notice, can be secured from the commission
upon request.

[Order R-16, § 480-149-190, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

WAC 480-149-200 Waiver of rules. Request for
special permission to waive the provisions of this tariff
circular may be made, in writing only, to the commission.
Such permission, if granted, will be given a special permis-
sion number by the commission. Applicants receiving
permission to depart from the terms of this circular, must
publish in tariffs exactly as granted and must show directly
in connection therewith the special permission number and
date issued, except as may be otherwise authorized by the
commission.

[Order R-16, § 480-149-200, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

**WAC 480-149-210 Adoption of Interstate Com-
merce Commission regulations.** (1) Wherever the provi-
sions of this tariff circular do not fully cover all of the points
which may arise, the rules of the Interstate Commerce
Commission's tariff circulars will apply and the commission
hereby adopts the rules promulgated by the Interstate
Commerce Commission and the tariff circulars issued by that
body when same are not in conflict with the regulations
herein.

(2) Wherever tariffs (or concurrences, etc.) having
Washington intrastate application are filed also with the
Interstate Commerce Commission or with other state
commissions, and are in compliance with the applicable
tariff circular of the Interstate Commerce Commission or
special waivers thereof, the tariffs will be governed only [by]
the opening paragraph of WAC 480-149-030 and subdivision
(1)(e) thereof of this circular, and the commission hereby
adopts in full the rules promulgated by the Interstate Com-
merce Commission and the tariff circulars issued by that
body.

[Order R-16, § 480-149-210, filed 2/3/70; Public Service Commission Cause
No. T-9494, filed 4/5/61.]

**Chapter 480-150 WAC
COMPLIANCE WITH ECONOMIC
STABILIZATION ACT OF 1970 AS AMENDED**

WAC
480-150-010 Preamble.
480-150-020 Definitions.
480-150-030 Criteria applicable.
480-150-060 Exemptions.
480-150-090 Construction.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

480-150-040	Effect on pending matters. [Order R-38, § 480-150-040, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.
480-150-050	Future filings or petitions. [Order R-38, § 480-150-050, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.
480-150-070	Filing with Federal Price Commission. [Order R-38, § 480-150-070, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.
480-150-080	Public notice. [Order R-38, § 480-150-080, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

WAC 480-150-010 Preamble. It is the purpose of these rules to codify the commission's standards for evaluating filings for rate increases by utilities as defined herein, in relation to the regulations of the cost of living council promulgated pursuant to the Economic Stabilization Act of 1970 as amended, subject to such exemptions as may be issued by the cost of living council from time to time.

[Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.]

WAC 480-150-020 Definitions. (1) The term "commission" as used in these rules means the Washington utilities and transportation commission.

(2) The term "utility" as used in these rules shall mean any person, firm, or corporation providing a service subject to regulation as to rates pursuant to Title 80 RCW (public utilities); and every person, firm, or corporation providing a service subject to regulation as to rates pursuant to Title 81 RCW (transportation).

[Order R-38, § 480-150-020, filed 6/28/72.]

WAC 480-150-030 Criteria applicable. (1) Any proposed rate increase intended to become effective subsequent to January 10, 1973 should be consistent with the following criteria:

(a) The increase is cost-justified and does not reflect future inflationary expectations;

(b) The increase is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements;

(c) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the utility;

(d) The increase takes into account expected and obtainable productivity gains.

(2) In any case in which there is good reason to believe that a proposed rate increase is not in conformity with the above criteria, the commission, on its own motion or upon the protest of any interested party, may suspend the operation of the proposed increase and enter into an investigation thereof, or otherwise refuse to permit the proposed increase to become effective except upon a final order after hearing. In such investigation or upon hearing, the burden of proof shall be upon the proponent of the increase to establish compliance with these criteria.

(3) The proponent of a proposed rate increase, at the time such increase is filed with the commission, may voluntarily submit evidence establishing that the proposed increase meets the foregoing standards.

[Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.]

WAC 480-150-060 Exemptions. These rules shall not apply to: (1) Any rate increase intended solely to pass through specific allowable costs, including taxes (except income taxes), purchased gas or other energy costs, but not including labor costs, under a previously approved tariff provision;

(2) Any rate increase intended to adjust relationships between classes of customers, and which increase does not increase the utility's aggregate annual revenue by more than one percent.

[Order R-38, § 480-150-060, filed 6/28/72.]

WAC 480-150-090 Construction. Unless otherwise required in the public interest, these rules shall be construed and interpreted in accordance with the policies and purposes enunciated in General Order No. R-46, by which they are hereby adopted.

[Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.]